

IN THE MATTER OF THE * BEFORE THE
 THE APPLICATION OF *
AUGUST T. MCCOLGAN, ET UX * COUNTY BOARD OF APPEALS
 FOR A SPECIAL HEARING ON
 PROPERTY LOCATED ON THE NORTH-* OF
 EAST SIDE WILLIAMS ROAD, 2100'
 EAST OF CENTERLINE OF LONG * BALTIMORE COUNTY
 GREEN PIKE (5624 WILLIAMS RD)
 11TH ELECTION DISTRICT * CASE NO. 95-278-SPH

* * * * *

O P I N I O N

This case comes before the Board on appeal of the Deputy Zoning Commissioner's April 3, 1995 Order in which the instant Petition for Special Hearing was denied. August T. McColgan, et ux, Appellants, appeared before the Board represented by Francis X. Borgerding, Jr., Esquire. Protestants, Diane H. Powell, Regina Ferry, and Sherry McGraw, appeared, represented by Gerald W. Soukup, Esquire.

Appearing for the Petitioners were Leo W. Rader, registered land surveyor and accepted expert in surveying, and Norman E. Gerber, accepted expert in land planning and development, as well as Mr. McColgan. Protestants Diane Powell, Regina Ferry, and Sherry McGraw also testified in this matter.

At issue before the Board is the feasibility of dividing an in-fee panhandle strip as part of a lot subdivision. The existing lot consists of roughly 2.656 acres and is known as Revised Lot 9 from the Burton Section One subdivision along Williams Road in northern Baltimore County. Petitioner proposes to further subdivide Revised Lot 9 into two lots, as described on Petitioners' Exhibit 1; lot one consisting of 1.579 acres and lot 2 consisting of 1.077 acres, with the existing Revised Lot 9 in-fee panhandle

strip proposed to be divided into two 6-foot strips, each to serve the two proposed respective smaller lots. The Burton Section One subdivision is a panhandle driveway subdivision originally consisting of ten lots ranging from 3.163 acres to 7.911 acres in area. Original Lot 9 of the Burton Section One subdivision consisted of 4.660 acres, from which the Petitioners' 2.656-acre lot was subdivided, leaving what is known as Parcel 1 of Revised Lot 9 in the subdivision. At issue before the Board is whether or not the Petitioner may subdivide Revised Lot 9 as proposed, utilizing two 6-foot in-fee strips to satisfy the requirements of the panhandle driveway under Baltimore County Code Section 26-266; specifically, the Petitioners seek a waiver in this special hearing of Section 26-266(1).

Leo W. Rader testified that the existing and proposed subdivided lots have an irregular shape; that the existing paved area serving the homes utilizing the panhandle drive is 5 feet wide; and that the proposed subdivision would have no detrimental effect on the surrounding properties, nor any detrimental effect on the health, safety or general welfare of the area. On cross-examination, Mr. Rader indicated that the McColgan property is the smallest lot in the subdivision; that he was not quite sure of uses in the surrounding area; and that the proposed subdivision makes no provision for turnaround for fire safety equipment.

August McColgan provided a history of ownership of Lot 9 of the subdivision, as well as the reason for the proposed subdivision, that being a need to provide a home for his daughter

and her family. Mr. McColgan contends that adding a user to the existing panhandle driveway would lessen the burden of maintenance of the drive without any negative impact on neighbors, nor on the health, safety or welfare of the area. On cross-examination, Mr. McColgan indicated that he could sell the home proposed for Lot 2 as well as provide for his daughter. He also indicated that, despite the existence of restrictive covenants, those restrictive covenants do not preclude further subdivision of his lot as the subdivision committee called for in the covenants does not exist. Further, to that end on cross-examination, Mr. McColgan indicated that he has inquired regarding the enforceability of the covenants among others within the subdivision, and that neighbors within the subdivision had decided against starting a community association.

Norman E. Gerber testified that the lot of record existed prior to 1979 and that, therefore, Lot 9 may be subdivided. Mr. Gerber contends that Baltimore County Zoning Regulations (BCZR) do not deny resubdivision. Mr. Gerber also indicated that were the Burton Section One subdivision coming today for consideration, its design does not conform to regulations concerning panhandle driveways, but since the subdivision is already in place, it therefore has no effect on the R.C. 2 zone. He indicated that the subdivision has no public streets, and that therefore there is no effect on the public health, safety and welfare. Regarding Baltimore County Code Section 26-266, Mr. Gerber opined that existing Revised Lot 9 is an irregularly shaped lot, that it would not be detrimental to the neighbors, nor negatively impact the

safety and general welfare, and that the existing panhandle in-fee strips at 12 feet wide exceed the standards of 10 feet for the instant subdivision, under current Code Section 26-266. Mr. Gerber opined that other lots in the subdivision also could be subdivided, subject to a maximum of five lots per panhandle driveway, but that a variance to exceed the five lot limit is possible. Mr. Gerber's testimony concluded Petitioners' case-in-chief.

The testimony of Ms. Powell, Ms. Ferry, and Ms. McGraw settled on the issues of health, safety and welfare of those within the subdivision; the effects of the proposed subdivision on property values; and the inconvenience placed by additional vehicular traffic on the existing panhandle driveway.

Given the existing zoning of R.C. 2 and the Revised Lot 9 area of 2.656 acres, BCZR 1A01.3B.1 would indicate on its face that the proposed subdivision is possible. But for the fact that the existing Revised Lot 9 is served by a panhandle drive, the Board finds that the proposed subdivision could occur. However, Baltimore County Code Section 26-266 reads in pertinent part:

"Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare. Panhandle lots may be permitted in accordance with the following standards:

- (1) Each lot of less than three (3) acres shall include an in-fee strip of land providing access to the local street, except as provided in subsection (2) of this section. Panhandle fee strips

shall be a minimum of twenty (20) feet in width to serve one (1) lot, a minimum of twelve (12) feet in width per lot where two (2) lots are involved, and a minimum of ten (10) feet in width per lot where three (3) or more lots are involved. In developments within the metropolitan area where public water and sewer services are available, planned, or considered, the minimum panhandle fee strip for two (2) or more lots is twelve (12) feet per lot."

That section of the Code provides for specific engineering considerations to be made to serve the needs of potential property owners in a given panhandle driveway subdivision. Issues such as access, achievement of harmony among property owners, future access of utilities, and so forth, are items which are built into the ultimate design requirements of panhandle driveways.

The Board finds that the width requirements are written in a manner which precludes further subdivision of the panhandle in-fee strip to a width less than that required by the Code. The very existence of the panhandle drive serves as an inherent limit on density in subdivisions such as the Burton Section One panhandle subdivision. But for the width requirements of the in-fee strip under Baltimore County Code Section 26-266, the Board finds the instant lot to be subdividable. However, to allow subdivision of the in-fee strip circumvents the intent of providing access under that section of the Code and serves to effectively allow double the density contemplated in the approval of the instant subdivision.

It is for the above reasons that the Board finds that the proposed subdivision of Revised Lot 9 of the Burton Section One subdivision should be denied and will so order.

O R D E R

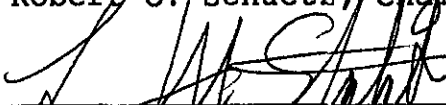
IT IS THEREFORE this 12th day of January, 1996 by the
County Board of Appeals of Baltimore County


ORDERED that the Petition for Special Hearing seeking approval
of the proposed subdivision of Revised Lot 9 of the Burton Section
One subdivision and a waiver of the panhandle requirements under
Section 26-266 of the Baltimore County Code to permit two adjacent
6-foot wide panhandle driveways be and is hereby DENIED.

Any petition for judicial review from this decision must be
made in accordance with Rule 7-201 through Rule 7-210 of the
Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Lawrence M. Stahl


Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 12, 1996

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 95-278-SPH
August T. McColgan, et ux

Dear Mr. Borgerding:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kathleen C. Bianco".

Kathleen C. Bianco
Administrative Assistant

encl.

cc: Mr. & Mrs. August T. McColgan
Gerald W. Soukup, Esquire
Mr. & Mrs. John P. Powell, Sr.
Mr. & Mrs. John H. Ferry
Ms. Sherry McGraw
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM
Virginia W. Barnhart, County Attorney



1/9/99

IN RE: PETITION FOR SPECIAL HEARING
NE/S Williams Road, 2100' E of
the c/l of Long Green Pike
(5624 Williams Road)
11th Election District
6th Councilmanic District

August T. McColgan, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-278-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 5624 Williams Road, located in the vicinity of the Boordy Vineyards in Hydes, Maryland. The Petition was filed by the owners of the property, August T. and Mary E. McColgan, through their attorney, James L. Mullaney, Esquire. The Petitioners seek approval to subdivide 1.077 acres from an existing 2.656 acre lot to construct a single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

While the Petition filed originally requested approval of the subdivision of the existing 2.656 acre lot to create a new building lot, the real crux of this Petition was to request a waiver of the panhandle standards set forth in Section 26-266 of the Baltimore County Code (B.C.C.). The Petitioners have the right to subdivide their property, given its R.C. 2 zoning and the year in which the lot was created; however, in order to subdivide the property, the panhandle requirements imposed by Section 26-266 of the B.C.C. must be met. Thus, a special hearing to approve a waiver of same is necessary.

Appearing at the hearing on behalf of the Petitioners were August T. and Mary E. McColgan, property owners, Leo W. Rader, Registered Land

ORDER RECEIVED FOR FILING

Date

By

Surveyor who prepared the site plan, and their attorney, James L. Mullaney, Esquire. Numerous residents from the surrounding community appeared as Protestants in the matter and were represented by Gerald Soukup, Esquire.

Testimony and evidence offered revealed that the subject property consists of 2.656 acres zoned R.C. 2 and is improved with a 1.5 story single family dwelling, which has been the Petitioners' residence since 1986. As indicated above, the Petitioners are desirous of subdividing their property to create a building lot of 1.077 acres for one of their children to develop with a single family dwelling. The site plan prepared by Mr. Rader depicts the existing dwelling on proposed Lot 1 containing 1.579 acres, and proposed Lot 2 which would contain 1.077 acres. As noted above, the special hearing requested is for a waiver of the panhandle requirements set forth in Section 26-266 of the B.C.C. to permit two 6-foot wide panhandle driveways to provide access to Lots 1 and 2 from Williams Road. During the course of Mr. McColgan's testimony, an issue arose over the covenants and restrictions applicable to the subdivision in which the property lies, namely, Section One of Burton, and the validity of same. I explained to the Petitioners as well as the many Protestants who attended the hearing that it is not the position of this Office nor does the Zoning Commissioner's Office have the authority to make a ruling upon the validity of covenants and restrictions applicable to this subdivision. That issue must be reserved for a decision rendered by a Judge of the Circuit Court for Baltimore County. I have no authority to make a determination one way or the other as to the validity of the covenants and restrictions imposed upon Section One of Burton. My decision in this case is simply to determine whether or not the two 6-foot wide panhandle driveways should be permitted for proposed Lots 1 and 2.

ORDER RECEIVED FOR FILING

Date

By

As noted above, many residents surrounding the subject site appeared and testified in opposition to the Petitioners' request. Mr. John Powell, Sr., who resides adjacent to this property on Lot 4, Mr. Daniel Danham, who resides on Lot 8, Regina Ferry who owns Lot 7, and Sherry McGraw, who resides on Lot 10, all testified in opposition to the relief requested. Their testimony, while somewhat different, basically voiced the same concern over the proposed subdivision. The sum and substance of their testimony was that no other owner in Section One of Burton has proposed to subdivide their lot. The McColgans are the first to attempt a subdivision and the other residents of this community are opposed to any landowner subdividing their property. They voiced concern over additional traffic utilizing this panhandle driveway, additional wear and tear of the panhandle, and an overcrowding of this particular lot which is one of the smallest lots in this subdivision. These residents testified that an additional dwelling on this lot would detract from the "open" nature of this subdivision and detract from their property values. All of these residents voiced concern that the proposed subdivision was in violation of the covenants and restrictions imposed upon Section One of Burton. However, as stated previously, I am not prepared nor am I authorized to make any ruling as to the validity of those covenants and restrictions.

Given the nature of the relief requested, it was necessary to review the panhandle regulations set forth in Section 26-266 of the Baltimore County Code (B.C.C.). After reviewing the specific language provided therein and interpreted in light of the opposing testimony offered by the many neighbors who attended the hearing, I find that the relief requested must be denied. I believe to further subdivide this particular lot and to allow two 6-foot wide panhandle driveways to serve proposed Lots 1 and 2

ORDER RECEIVED FOR FILING

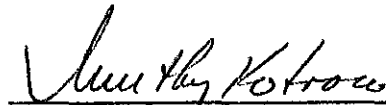
Date

By

would be detrimental to the adjacent properties in this subdivision. This was clearly evident by the nature and tone of the testimony offered by the Protestants. Furthermore, in reviewing the comments submitted by the County reviewing agencies, and in particular, the comments submitted by the Office of Planning and Zoning (OPZ) dated January 26, 1995, my decision to deny this special hearing request is reinforced. Reference is made to the last two paragraphs on Page 2 of said comments wherein OPZ strongly suggests that a further subdivision of this lot would be an overdevelopment of this rural property. Therefore, given the strong testimony offered at the hearing, as well as the comments submitted by the Office of Planning and Zoning, the relief requested shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of April, 1995 that the Petition for Special Hearing seeking approval of a waiver of the panhandle requirements imposed by Section 26-266 of the Baltimore County Code to permit two adjacent 6-foot wide panhandle driveways, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 3, 1995

James L. Mullaney, Esquire
Belair Road and Sunshine Avenue
P.O. Box 68
Kingsville, Maryland 21087

RE: PETITION FOR SPECIAL HEARING
NE/S Williams Road, 2100' E of the c/l of Long Green Pike
(5624 Williams Road)
11th Election District - 6th Councilmanic District
August T. McColgan, et ux - Petitioners
Case No. 95-278-SPH

Dear Mr. Mullaney:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. August T. McColgan, 5624 Williams Road, Hydes, Md. 21082
Gerald W. Soukup, Esquire, 9407 Harford Road, Baltimore, Md. 21234
Mr. & Mrs. John P. Powell, Sr., 5708 Williams Road, Hydes, Md. 21082
Mr. & Mrs. John H. Ferry, 5628 Williams Road, Hydes, Md. 21082
Mr. Bud Deen, 5721 Williams Road, Hydes, Md. 21082
People's Counsel; File





Petition for Special Hearing

95-278-SPA

to the Zoning Commissioner of Baltimore County

for the property located at 5624 Williams Rd., Hydes, Md. 21082

which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The dividing off of one 1.077 acre lot from an existing 2.656 acre lot with house. The intention will be to construct a dwelling house for the use of the owner, or a child or a grandchild of the owner.

A waiver from the panhandle standards to permit 2 adjacent 6' wide panhandles

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

August T. McColgan/Mary El McColgan
(Type or Print Name)

August T. McColgan
(Type or Print Name)

August T. McColgan
Signature

August T. McColgan
Signature

5624 Williams Rd.
Address

Mary E. McColgan
(Type or Print Name)

Hydes Maryland 21082
City State Zipcode

Mary E. McColgan
Signature

5624 Williams Rd. (410) 592-7598
Address Phone No.

Hydes Maryland 21082
City State Zipcode
Name, Address and phone number of representative to be contacted.

Attorney for Petitioner.

James L. Mullaney
(Type or Print Name)

James L. Mullaney, Esq.
Name
P.O. Box 68, Kingsville, Md.

James L. Mullaney
Signature

P.O. Box 68, Kingsville, Md.
Address Phone No.

P.O. Box 68 Belair & Sunshine
Address Phone No.
Kingsville, Md. 21087 ph. 592-6361
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates * Next Two Months
ALL * OTHER

REVIEWED BY: MDK DATE 12/30/94

* Do not schedule before March 6, 1995.

ORDER RECEIVED FOR FILING
Date 4/3/95
By [Signature]



#225

95-278-SPT

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR

HYDROGRAPHY
TOPOGRAPHY
GEODESY

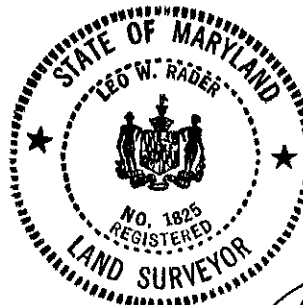
SUBDIVISION ENGINEERING
TITLE SURVEYS
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093 Phone: (410) 252-2920

December 14, 1994

**DESCRIPTION TO ACCOMPANY REQUEST FOR A
SPECIAL HEARING FOR A WAIVER FROM
PANHANDLE STANDARDS**

BEGINNING for the same on the northeast side of Williams Road, distant 2100 feet measured along the northeast side thereof from the center of Long Green Pike, said place of beginning being at the southeast corner of the panhandle of Lot 9 as shown on the plat titled "REVISION OF LOT NO. 9 BURTON SECTION ONE" recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. No. 42 Folio 17, thence binding on the said northeast side of Williams Road North 41 degrees 37 minutes 22 seconds West 12.00 feet; thence leaving Williams Road and binding on the perimeter of said revision of Lot No. 9 by the five following courses and distances respectively, viz: North 48 degrees 22 minutes 38 seconds East 530.00 feet, North 41 degrees 37 minutes 22 seconds West 395.29 feet, North 27 degrees 57 minutes 33 seconds East 168.11 feet, South 62 degrees 06 minutes 25 seconds East 497.39 feet and South 48 degrees 22 minutes 38 seconds West 861.60 feet to the place of beginning.



Leo W. Rader

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-278-SPH
Townson, Maryland

District: HCB Date of Posting: 3/24/95

Posted for: Special Hearing

Petitioner: August & Mary McCollum

Location of property: 5024 Williams Rd, NE/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 3/3/95
Signature

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-278-SPH
(Item 225)

5624 Williams Road
NE/S Williams Road, 2100'
E of o/l Long Green Pike
11th Election District
6th Councilmanic

Legal Owner(s):
August T. McColgan and
Mary E. McColgan

Hearing: Friday,
March 17, 1995 at 9:00
a.m. in Rm. 106, County Of-
fice Building

Special Hearing to approve
a waiver from the panhandle
standards to permit 2 adjacent
8-foot wide panhandles.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped Accessible, for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the file and/or hearing, please
call 887-3381.

2/27/95 February 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

2/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 2/23, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Resubmitted~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

Date

12/20/94

Taken In By: MSJK

Item # : 225

McColgan, August — 5624 Williams Rd

030 - Res Sp. Hearing — \$ 50.00

080 - 1 sign — \$ 35.00

Total — \$ 85.00

RECEIVED
PA 1002-41PM12 30-94

889.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

95-228-SPL

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 118 Date of Posting 5/13/95

Posted for: Appeal

Petitioner: August T. McCool, gen. & tax

Location of property: 5024 Wilkerson Ave. NE/S

Location of Signs: Facing road way, on property being appealed

Remarks: _____

Posted by [Signature] Date of return: 5/19/95
Signature

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No 158664

DATE May 8, 1995 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: August T. or MARY E. McCologan

FOR: Appeal -- Case NO. 95-278-SPH

00000000000000000000

000000

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

JAW



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 225

Petitioner: August T. McColgan

Location: 5624 Williams Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: August T. McColgan

ADDRESS: 5624 Williams Rd.

Hydes, MD. 21082

PHONE NUMBER: (410) 592-7598

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-278-SPH (Item 225)

5624 Williams Road

NE/S Williams Road, 2100' E of c/l Long Green Pike

11th Election District - 6th Councilmanic

Legal Owner(s): August T. McColgan and Mary E. McColgan

HEARING: FRIDAY, MARCH 17, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a waiver from the panhandle standards to permit 2 adjacent 6-foot wide panhandles.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: August and Mary McColgan
James L. Mullaney, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
2/23/95 Issue - Jeffersonian

Please forward billing to:

James L. Mullanev, Esq.
P. O. Box 68
Kingsville, MD 21087
410-592-6361

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-278-SPH (Item 225)
5624 Williams Road
NE/S Williams Road, 2100' E of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner(s): August T. McColgan and Mary E. McColgan
HEARING: FRIDAY, MARCH 17, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a waiver from the panhandle standards to permit 2 adjacent 6-foot wide panhandles.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 1, 1995

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-278-SPH (Item 225)
5624 Williams Road
NE/S Williams Road, 2100' E of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner(s): August T. McColgan and Mary E. McColgan

Special Hearing to approve a waiver from the panhandle standards to permit 2
adjacent 6-foot wide panhandles.

HEARING: FRIDAY, MARCH 17, 1995 at 3:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: James L. Mullaney, Esq.
August and Mary McColgan

AJ:ggs





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 18, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-278-SPH

AUGUST T. MCCOLGAN, ET UX -Petitioners
NE/s Williams Road, 2100' E of the c/l of Long
Green Pike (5624 Williams Road)
11th Election District
6th Councilmanic District

SPH -To subdivide 1.077 acres from 2.656-acre
lot /to construct single-family dwelling.

4/03/95 -D.Z.C.'s Order in which Petition for
Special Hearing is DENIED.

ASSIGNED FOR: WEDNESDAY, NOVEMBER 1, 1995 at 10:00 a.m.

cc: Mr. & Mrs. August T. McColgan Petitioners /Appellants
~~James E. Mullaney, Esquire~~ ^{TO ENTER}
FRANK BOGGERDING, ESQUIRE ^{APPEARANCE}
Gerald W. Soukup, Esquire 11/1/95 a.m.
Mr. & Mrs. John P. Powell, Sr. Counsel for Protestants
Mr. & Mrs. John H. Ferry
Mr. Bud Deen

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



CASE NO. 95-278-SPH

August T. McColgan, Et ux - Petitioners

NE/s Williams Road, 2100 Ft E of the c/l of
Long Green Pike (5624 Williams Road)

11th Election District

Appealed: 5/3/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 14, 1995

James L. Mullaney, Esquire
P. O. Box 68, Belair & Sunshine
Kingsville, Maryland 21087

RE: Item No.: 225
Case No.: 95-278-SPH
Petitioner: August McColgan, et ux

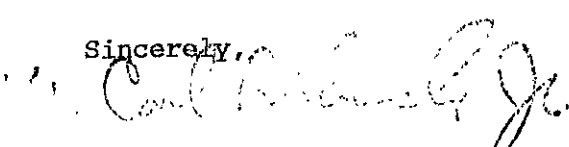
Dear Mr. Mullaney:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 30, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

GERALD W. SOUKUP
Attorney At Law

9407 Harford Rd.
Balto., MD 21234

Office: 410-661-1964
Fax: 410-661-7638
Home: 410-661-4616



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 26, 1995

SUBJECT: 5624 Williams Road

INFORMATION:

Item Number: 225

Petitioner: August T. McColgan

Property Size: _____

Zoning: R.C. 2

Requested Action: _____

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

On January 9, 1995, the Development Review Committee reviewed the subject request and determined a waiver of Public Works standards would be "within the scope, purpose and intent of the Development Regulations of Baltimore County."

The Department of Public Works recommended to the Hearing Officer "that the required 12 foot in-fee strip be waived to allow two six foot in-fee strips to serve the re-subdivision of lot number nine, Section One Burton into one additional lot subject to compliance with all of the other provisions of the Baltimore County Code."

Based upon a review of the information provided and analysis conducted, staff offers the following comments:

Although these comments are premature in terms of the timing of the overall approval process, we feel that it is important that that applicant be aware of the position of this office from the outset.

The applicant proposes to subdivide a lot which is located in the existing Burton development for which a waiver of panhandle standard is required. Land use in the immediate vicinity is rural residential and agricultural.

The old R.D.P. (Rural Deferred Planning) zoning classification enabled development such as Burton, and provided for development of rural land at a density far in excess of what is permitted today in any of the R.C. zones.

Bill No. 100, 1970, outlined the following area regulations for R.D.P. development:

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]
2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]
3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

In 1975, Bill No. 98-75 was enacted to establish four new zoning classifications (R.C. 2, R.C. 3, R.C. 4 and R.C. 5) to preserve Baltimore County's natural resources. The legislative findings outlined expressed some of the following concerns:

-Development in rural Baltimore County had been taking place at an increasing rate;

-Development in rural areas resulted in undesirable land use patterns.

The purpose of the legislation in creating the R.C. zones was to 1) discourage present land use patterns of development and to create the framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intense development commences.

Based upon a review of the outlined legislative findings and purposes for R.C. zones, staff concludes that the County Council felt that R.D.P. development was an inappropriate land use pattern. Therefore, it seems to follow that their intent was that there be no further development of this type. The applicant's request to further subdivide a lot within a R.D.P. development, if permitted, would serve to circumvent the Council's attempt to establish reasonable land use patterns in the rural areas of Baltimore County.

Rural Deferred Planning development was identified as an undesirable land use nearly twenty years ago, and staff can find no reason to justify a request that would, in affect, create more density immediately, and encourage other such requests in the future.

Staff has also reviewed the legal requirement for panhandle lots outlined in Section 26-266 of the Development Regulations and finds the request should be denied because the subject parcel is not irregularly shaped, and panhandle access is not being utilized to avoid development in an environmentally sensitive area.

While some panhandle lots were created as part of the original Burton subdivision, these lots required panhandle access since a public road was not desirable. Staff believes that additional panhandle development will be detrimental to adjacent properties. Therefore, we recommend that the applicant's request be denied.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kline

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director February 2, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #225 - Burton Property - Resub Lot 9
5624 Williams Road
Zoning Advisory Committee Meeting of January 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

This property must comply with the Forest Conservation Regulations.

Development Coordination

Comments, dated August 2, 1994 for the minor subdivision plan, apply to this site. (Comments attached)

JLP:DL:LS:sp

BURTON/DEPRM/TXTSBP

✓

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Bureau of Engineering Services

TO: ☒ ZADM

DATE: 8/2/94

PROJECT NAME: BURTON - RESUB. LOT 9
TYPE OF PLAN: MINOR SUBDIVISION
PLAN/REVISION DATE: 2/10/94

The above-referenced plan has been reviewed by Development Coordination of the Bureau of Engineering Services and the following recommendations are made:

() APPROVED

() DISAPPROVED

Comments:

- ① Are there any existing underground storage tanks. If so, show. If not, so note on plan.
- ② Are there any other existing wells or septic on site or within 100' of property lines other than as shown? If so, show. If not, so note on plan.
- ③ Plan has been given to Wally Lippincott for review for prime & productive soils. Comments may be forthcoming.
- OK per W.C. 8/5/94

REVIEWER: Letty Sonn/ees

TELEPHONE: (410) 887-3980

SHL.SED/DEPRM/XTSBBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 23, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Items (225) 226, 227, 229, 230, 231, 232, 233,
234, and 236

The Developers Engineering Section has reviewed
the subject zoning item and we have (no) comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: *\$ 225 (MJK)*

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 17, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 225, 226, 227, 229,
231, 232 AND 233.

RECEIVED
JAN 17 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING
5624 Williams Road, NE/S Williams Road,
2100' E of c/l Long Green Pike, 11th
Election District, 6th Councilmanic

August T. and Mary E. McColgan
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-278-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to James L. Mullaney, Esquire, P. O. Box 68 Belair & Sunshine, Kingsville, MD 21087, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 8, 1995

Gerald W. Soukup, Esquire
9407 Harford Road
Baltimore, MD 21234

Mr. and Mrs. John P. Powell, Sr.
5708 Williams Road
Hydes, MD 21082

Mr. and Mrs. John H. Ferry
5628 Williams Road
Hydes, MD 21082

Mr. Bud Deen
5721 Williams Road
Hydes, MD 21082

RE: Petition for Special Hearing
NE/S William Road, 2100 ft E
of the c/l of Long Green Pike
5624 Williams Road
11th Election District
6th Councilmanic District
August T. McColgan, et ux-Petitioner
Case No. 95-278-SPH

Dear Mr. Soukup, Mr. and Mrs. Powell, Mr. and Mrs. Ferry, and Mr. Deen:

Please be advised that an appeal of the above-referenced case was filed in this office on May 4, 1995 by Mary E. McColgan, petitioner. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie A. Winiarski at 887-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:jaw



APPEAL

PETITION FOR SPECIAL HEARING
NE/S WILLIAM ROAD, 2100 FT E OF
THE C/L OF LONG GREEN PIKE
5624 WILLIAMS ROAD
11TH ELECTION DISTRICT AND 6TH COUNCILMANIC DISTRICT
AUGUST T. MCCOLGAN, ET UX-PETITIONERS
CASE NO. 95-278-SPH

Petitions for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance

Zoning Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Request for Special Hearing
2 - Nanticoke Homes home type examples
3 - Letter to Mr. Randall White from Mac McColgan and
Hugh Meyers dated June 23, 1987
4 - Letter to August McColgan and Hugh Meyers dated
July 24, 1987
5 - Explanatory Statement dated September 20, 1976

Protestant's Exhibits: 1 - Tax map copy
2 - Burton, Section One
3 - Deed, Liber 5589 Page 319
4 - Petition against the Zoning Proposals OF
Case 95-278-SPH

Five letters of protest

Inter-Office Correspondence to Susan Carrell from Edward S. Tochtermann, Jr.,
dated January 15, 1979

Letter to Arnold Jablon from James L. Mullaney dated February 23, 1995

Deputy Zoning Commissioner's Order dated April 3, 1995 (denied)

Notice of Appeal received on May 3, 1995 from Mary E. McColgan, Petitioner

cc: James L. Mullaney, Esquire, Belair Road and Sunshine Avenue, P.O. Box
68, Kingsville, MD 21087
Mr. and Mrs. August T. McColgan, 5624 Williams Road, Hydes, MD 21082
Gerald W. Soukup, Esquire, 9407 Harford Road, Baltimore, MD 21234
Mr. and Mrs. John P. Powell, Sr., 5708 Williams Road, Hydes, MD 21082
Mr. and Mrs. John H. Ferry, 5628 Williams Road, Hydes, MD 21082
Mr. Bud Deen, 5721 Williams Road, Hydes, MD 21082
People's Counsel, M.S. 2010

Request Notification: Patrick Keller, Director of Planning and Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of ZADM

7/18/95 -Notice of Assignment for hearing scheduled for Wednesday,
November 1, 1995 at 10:00 a.m. sent to following:

Mr. & Mrs. August T. McColgan
James E. Mullaney, Esquire
Gerald W. Soukup, Esquire
Mr. & Mrs. John P. Powell, Sr.
Mr. & Mrs. John H. Ferry
Mr. Bud Deen
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

11/01/95 -Case concluded before Board. To be scheduled for public
deliberation (R.L.W.).

11/02/95 -Notice of Deliberation sent to parties; matter scheduled for
deliberation on Wednesday, November 15, 1995 at 9:00 a.m. Board
notified by copy of same.

11/15/95 -Deliberation concluded. Petition for Special Hearing denied;
Order to be issued; appellate period to run from date of that
written Order. (R.L.W.)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 2, 1995

NOTICE OF DELIBERATION

Having concluded this case on November 1, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

AUGUST T. MCCOLGAN, ET UX
CASE NO. 95-278-SPH

DATE AND TIME : Wednesday, November 15, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Mr. & Mrs. August T. McColgan Petitioners /Appellants
Francis X. Borgerding, Esquire Counsel for Appellants

Gerald W. Soukup, Esquire Counsel for Protestants
Mr. & Mrs. John P. Powell, Sr.
Mr. & Mrs. John H. Ferry
Mr. Bud Deen

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

R.L.W. /copied



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: August T. McColgan, et ux -Petitioners
Case No. 95-278-SPH

DATE : November 15, 1995 at 9:00 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Lawrence M. Stahl (SML)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Among those present at the deliberation were Francis X. Borgerding, Jr., Esquire, on behalf of Petitioners /Appellants; Gerald W. Soukup, Esquire, on behalf of Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition presented to the Board; testimony and evidence taken at hearing of November 1, 1995. Written Opinion and Order to be issued by the Board.

ROS: Good morning, everyone. We are here to deliberate Case No. 95-278-SPH, August T. McColgan. Before we get started, I would like to remind everyone that the purpose is to serve as notice that this Board has complied with the open meetings law. Official record is still going to be Opinion and Order that will be coming out. Minutes taken to serve as record that we in fact deliberated. Any action which you may or may not pursue should be taken from Opinion and Order and not from the minutes.

The matter before us is a special hearing to subdivide 1.077 acres from 2.566-acre lot in subdivision that is served by several panhandle driveways. At issue is whether or not the special hearing can be granted to allow use of existing panhandle drive by subdividing the fee simple strip which would serve the resultant two lots from the existing one lot. And what has been discussed in this case is not really whether or not the subject lot is subdividable, if you will; only whether or not the panhandle drive can be divided.

It's my opinion that the issue is not whether or not we can subdivide this particular property given zoning history. Ordinarily I would say it would be a resounding "yes" that it could be subdivided. At issue is the panhandle and it's my

opinion that the panhandle drive itself serves as a method for controlling density. In reading Section 26-266, the language is in the directive. Mandatory language; minimum widths set forth. It's those minimum widths which control future densification of future built-out subdivisions. It's my position that the special hearing should be denied because the panhandle driveway is a feature which cannot be further subdivided, and it frankly pains me to say this, because we have a situation where in any other place in the County it would be subdividable. The existence of the panhandle prevents that. We're talking about a couple of feet here, where although in this particular case fee simple strip would go from 12 to 6 ft -- in actuality if one looks at it as usable space, it amounts to narrowing of each strip by 2 ft to 10 ft; it would come very, very close to meeting standards.

My opinion is that the McColgan's are the ones who purchased the property, and the standards which were imposed in panhandle strip and the way the property was subdivided serve to limit the development in that subdivision. It's the panhandle itself which does that.

MW: Mr. Schuetz has reviewed the situation at hand; will not go through that. I do agree that the lot would be subdividable. The issue does come down to waiver of panhandle standards under the Code. I reviewed the testimony and file extensively, and it's my opinion that a waiver of these panhandle standards should be denied. To quote the material directly, panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with general safety and welfare. I agree with the thoughts Mr. Schuetz presented, but I was also very much persuaded by the Appellant's Exhibit 12 relative to the problems with public safety, fire trucks, emergency vehicles, etc. Additional feelings I had regarding public safety and why panhandle standards had been put forth in that manner.

Therefore, I feel that any waiver of those standards under the special hearing process must be denied. It would conflict with the efforts to provide public safety.

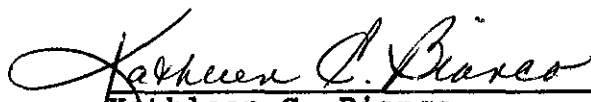
LMS: I've gone last. One comment -- We meet here today in order to comply with the open deliberation law. I am also an attorney who practices locally. I have great difficulty with not the philosophy, but the sum total effect of an open deliberation law, and feel incumbent to mention that with the hope that our senior brethren in the Circuit Court system would ask themselves the question whether or not they would want to

function in an open deliberation atmosphere. Having said that, I now turn to the case.

I've gone last because I'm somewhat torn. I believe that if something is able to be done, and it's, in my own mind, a need for good reason to change that. These properties can be subdivided. One then would ask the question: why not so allow? Contrary to that, it's almost as if the right to make that additional development of the property can happen in various settings. It can be in a setting where it's a matter of doing it. No indication or intentions of those who put the entire lot plan for that area together. We have something self-imposed on panhandle situation. Granted properties can be divided. However, they are placed in an area to be served by panhandle roads. As the Chairman pointed out, this imposes additional physical restrictions on the right to subdivide. I think it's clear that the intentions of all those involved with putting this part of the world together intended that it be of a certain character and certain way. The photographs were something very important to me. I was struck by the character of openness of the development, and though technically it's enough ground to divide, I think it would be different. It would be a significant, in my mind, enough change from that which would also be around it. People move there with certain expectations. I feel that the nature of the area and the nature of the lot structure and rules upon such development were self-imposed, that of panhandle, indicate to me that that's the way it should be. Anything that internally changes that must really convince me that it's compelling that we do it. To divide only for the purpose of another house does not seem compelling enough to me. It's a close call. In this particular case, I'm going to concur with the other members of the panel for those reasons and deny the special hearing.

Closing statement by ROS: We are unanimous. That concludes the matter. Look for an Opinion and Order in the near future. Any Petition for Judicial Review should go from that Order and not from today's date.

Respectfully submitted,


Kathleen C. Bianco
Administrative Assistant



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 24, 1995

RECEIVED
OCT 24 PM 2:36

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
5624 Williams Road, NE/S Williams Rd.,
2100' E of c/l Long Green Pike
11th Election Dist., 6th Councilmanic
AUGUST AND MARY MCCOLGAN, Petitioners
Case No. 95-278-SPH

Dear Chairman Schuetz:

This case involves a subdivision zoned R.D.P. (Rural Deferred Planning) at the time of approval, in the era 1971-75. The R.D.P. zone allowed a density of one unit per acre. Bill 100-70. It was mapped in 1971.

The then-R.D.P. and -R.S.C. zones were replaced by the Resource Conservation zones in Bill 98-75, as amended by Bill 178-79 and 199-90. The R.C. zones were first mapped in 1976. See Security Management Company v. Baltimore County, 104 Md.App. 234 (1995), Cert. denied ___ Md. ___ (1995).

The subject subdivision and property is zoned R.C.-2, agricultural. The County Council significantly reduced and restricted the subdivision lot density in this zoning classification. The density is governed by BCZR 1A01.3B. Indeed, the National Agricultural Lands Study, circa 1980, gave honorable mention to Baltimore County's agricultural preservation efforts. This sourcebook is available for review.

This issue of resubdivision of a lot approved in the R.D.P. subdivision era, later rezoned to R.C.-2, has arisen in the Foreston Ridge case. There, we expressed the view that such resubdivision is contrary to the purpose of the agricultural zone. A copy of our letter in that case is therefore resubmitted here.

The Board did not reach the merits of the issue in Foreston Ridge, because of procedural concerns not involved in the present case.

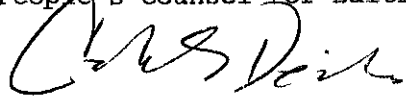
Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
October 24, 1995
Page Two

Accordingly, the case before the Board presents an opportunity to address an issue of public importance in the interpretation and implementation of R.C.-2 subdivision lot density in historically R.D.P. subdivisions.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure

cc: James Mullaney, Esquire
Gerald Soukup, Esquire



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 5, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Foreston Ridge
Case No. CBA-95-128

Dear Chairman Schuetz:

Please enter our appearance in the above-entitled case.

Pursuant to this office's responsibility to defend the comprehensive zoning maps, we have reviewed the question of whether the R.C.-2 (Agricultural) zone subdivision lot density provision, BCZR 1A01.3B, allows resubdivision of lots subdivided under the R.D.P. (Rural Deferred Planning) zone in effect between 1970 and 1975.

Upon review of the language and purpose of this provision, and the legislative findings pertinent to the R.C.-2 zone (BCZR 1A01.1), it appears that the County Council had in mind the subdivision of large parcels, or at least parcels not already subdivided. In other words, we do not believe the legislature intended the R.C.-2 zone to function as a density multiplier for R.D.P. lots. This would frustrate both the resource conservation purpose of the zone and the reasonable expectations of property owners in such subdivisions.

The position here is consistent with the position of the office in other pending cases.

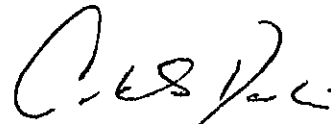
Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly distinguishable.

Peter Max Zimmerman
People's Counsel for Baltimore County

95 JUL -5 PM 3:13

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
July 5, 1995
Page Two



Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Donald McEvoy, Sr.
17732 Foreston Road
Parkton, MD 21120

J. Carroll Holzer, Esquire

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 14, 1995

Mr. and Mrs. John P. Powell, Sr.
5700 Williams Road
Hydes, Maryland 21082

RE: Case No. 95-278-SPH
5624 Williams Road
11th Election District

Dear Mr. and Mrs. Powell:

I am in receipt of your letter dated March 11, 1995 in which you register your opposition to a waiver requested in the above case.

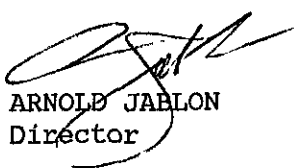
This office does not make the decision whether a waiver should be granted; our responsibility is to process the request and to insure that county agencies review the request and respond. The decision to permit the waiver is with the zoning commissioner, who will conduct a quasi-judicial hearing on March 17, 1995. At this hearing, testimony and evidence may be presented, and at the conclusion of the hearing, a decision will be rendered. Of course, you may attend and be heard.

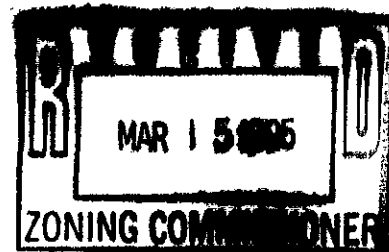
You can also be assured that your letter will be transmitted immediately to the zoning commissioner for his consideration.

If you should disagree with the decision, an appeal may be taken to the Board of Appeals of Baltimore County.

If you have any questions, please feel free to contact this office.

Sincerely,


ARNOLD JABLON
Director



AJ:ljb

c: Timothy M. Kotroco
Deputy Zoning Commissioner



DiNENNA AND BRESCHI

ATTORNEYS AT LAW

GEORGE A. BRESCHI
ROBERT A. BRESCHI
OF COUNSEL

FRANCIS X. BORGERDING, JR. ‡

‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-6880

FAX (410) 296-6884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

November 1, 1995

County Board of Appeals
for Baltimore County
Old Court House
Towson, Maryland 21204

RE: Case No.: 95-278-SPH
Petition for Special Hearing
August T. McColgan, et ux., Petitioners

Gentlemen/Ladies:

I am writing to advise that I have been retained to represent August T. and Mary McColgan, Petitioners, in the above-referenced action which is set for hearing before the Board on November 1, 1995, at 10:00 a.m. Please send any further notices with regard to this hearing to my address. Thank you very much for your cooperation with regard to this matter.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXBJr:bjk

95 NOV - 1 11:10 AM

852-95-

2/28/95
J
OK

James L . Mullaney
Counsellor at Law

Baltimore County Office
Belair & Sunshine P.O. Box 68
Kingsville, Maryland 21087
(410) 592-6361
Fax # 592-6396

Harford County Office
1009 Rosemont Drive
Joppa, Maryland 21085
(410) 877-1685

February 23 , 1995

The Honorable Arnold Jablon
Director - Office of Zoning Adm.
111 West Chesapeake Avenue
Towson, Md. 21204

Re : Case No. 95-278-SPH (Item 225)

Dear Sir :

To assist your office , please find attached your Notice of Hearing dated February 16, 1995 received by me this date . I also attach a copy of Judge G. Darrell Russell's letter of February 10, 1995. Obviously , the time element as scheduled would make it almost impossible to attend both . If the hearing before you could be set the afternoon of March 17, 1995 , I could attend . As you can perceive by Judge Russell's letter, my appearance in his Court is not on merits or motions , not subject to long winded attorney verbosity. I would anticipate leaving Essex District Court no later than noon .

Thanking you in advance for your anticipated cooperation , I am

Very truly yours,

James L. Mullaney

c.c. The Honorable G. Darrell Russell ,
c.c. August & Mary McColgan

RECEIVED

FEB 28 1995

ZADM



DISTRICT COURT OF MARYLAND

District Number 8

G. DARRELL RUSSELL, JR.
Judge

120 E. Chesapeake Ave.
Towson, Maryland 21286-5307
(410) 321-3884

February 10, 1995

Alan P. Zukerberg, Esq.
Suite 1900, Blaustein Bldg.
1 N. Charles Street
Baltimore, MD 21201

James L. Mullaney, Esq.
Belair & Sunshine Avenue
P. O. Box 68
Kingsville, MD 21087

RE: Wesley J. Potter VS. Raymond M. Vaughn
Case No: 0805-15486-94

Dear Counsel:

Because of the time estimate in the above matter, this case will have to be specially set. Pursuant to Maryland Rule 3-504, I am scheduling a pre-trial conference on Friday, March 17, 1995 at 11:00 AM at the Essex District Court, 8914 Kelso Drive, Baltimore, MD 21221. One matter to be considered on this date is the possibility of settlement.

Claim of not receiving notice will not constitute a basis for postponement. Only counsel must attend the settlement conference in person.

Counsel must bring their trial calendars so that if settlement cannot be reached, a mutually agreeable trial date will be assigned. Ignore any outstanding trial date.

Very truly yours,

G. Darrell Russell
Judge

GRD/km

cc: Theresa Matricciani, Admin. Aide
Darlene Rodman, Civil Supervisor
Patti Poe, Court Supervisor



April 14, 1995

Timothy Kotroco
Deputy Zoning Commissioner
57 Roger Valley Court
Baltimore, Maryland 21234-1443

RE: Case 95-278-SPH
Item 225

Dear Mr. Kotroco:

This is to advise that the Board of Directors of the Long Green Valley Association unanimously voted to request that you deny the request for "approval of waiver from panhandle standards to permit 2 adjacent 6-foot wide panhandles" for property known as 5624 Williams Road.

Our objections include the following:

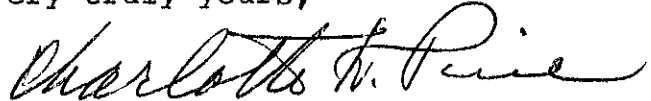
1. Notice did not explain that an existing approved subdivision lot was to be redivided into an additional building site.
2. Notice did not describe the requested change as a variance, thereby attempting to avoid law applicable to variances.
3. Granting of the waiver would be an unacceptable precedent for other lots in RC zones.
4. Existing private covenants prevent further division of lots in Burton subdivision, and zoning commissioner should not ignore said covenants and give instant case an undeserved variance that leaves the protesting property owners to fight their case in Circuit Court at great expense.

5. The facts of the McColgan case require that it be considered a request for "variance" under the definition of Cromwell v. Ward Decision (Court of Special Appeals September 1994) as this property is not unique and poses no hardship on the owners.

Please forward a copy of your decision to our Association at the above address.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charlotte W. Pine".

Charlotte W. Pine
President

CWP/vg

5700 Williams Road
Hydes, Md. 21082
March 11, 1995

Mr. Arnold Jablon
Balto. County Office of
Zoning Adm. & Mgt.
111 W. Chesapeake Ave.
Towson, Md. 21204

RE: Case 95-278-SPH

Dear Mr. Jablon,

We are writing to express our opposition to Mr. August McColgan's request for a waiver to his panhandle right of way.

Mr. McColgan's ultimate goal is to subdivide one acre from his approximate two and one half acres in order to build a home for his daughter. Considering we are a well and septic area, we question the environmental consequences of such a project.

We purchased our property in 1976. The area known as Burton had been subdivided with strong consideration to building density and land use; a plan approved by Baltimore County in August 1975. Additionally, stringent restrictions for development were set forth by the developer and also approved by Baltimore County in November, 1975 (Liber 5589, Page 319-331). A major specification was one dwelling per building lot.

Clearly, Mr. McColgan's plan is an absolute infraction of these designs and covenants.

We thank you for your consideration of our views and are hopeful your decision will not be in Mr. McColgan's favor.

Yours Truly,

Diane H. Powell

Diane H. Powell

John P. Powell

John P. Powell, Sr.

CC: Susan Wimbley

RECEIVED

MAR 18 1995

ZADM

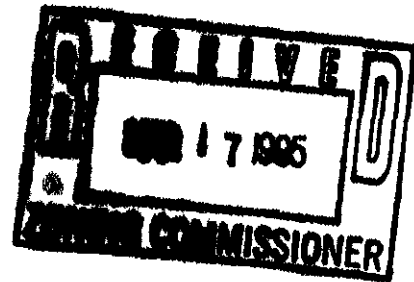
1140-95

3/18/95
Y
to LS

Mr and Mrs John Ferry
5628 Williams Rd
Hydes, MD 21082
March 12, 1995

Mr Arnold Jablon
Balto. Co. Office of Zoning
Adm. and Management
111 W. Chesapeake Ave
Towson, MD 21204

RECEIVED
MAR 16 1995



ZADM

Dear Mr Jablon,

As residents of Burton One Estates, we are writing in opposition to the zoning proposals of case #95-278-SPH, which ask for a waiver to the panhandle standards at 5624 Williams Rd in Hydes. We are strongly opposed to the creation of two adjacent six feet wide panhandles at 5624 Williams Rd. We are aware that if these proposals are approved, our neighbors, the McColgans, will subdivide their property into two one-acre lots, and a house will be built on the new lot. We oppose the intentions and proposals of the McColgans for several reasons.

First, the construction of a new home on the panhandle will create additional traffic generated by the new residents, their teenage drivers, their friends, delivery men and others. We would like to maintain the current "calmer" traffic flow on the lane for the safety of the small children, toddlers and babies who reside there. We do not wish to be burdened with an approximate 20% increase in traffic.

Second, when proposing his intentions to the zoning board, Mr McColgan stated "To my knowledge, there is no specific prohibition to sub-dividing existing lots." This is not true. Like the McColgans, when we purchased our home in Burton One Estates, we bought it with the understanding that our area was platted as individual, one resident lots, and that, according to the restrictions and covenants filed by the developers with the County, no property owners would be permitted to subdivide their lots. In view of the extreme changes proposed by the McColgans, our assurances of continued open space and the maintainance of the "status quo" of the neighborhood are seriously threatened.

Third, we believe that the waiver to allow two six feet panhandles, and the subsequent subdivision of a lot, will set a precedence for additional panhandle waivers, and consequently, additional attempts to subdivide further properties into much smaller lots. This would undoubtedly have a negative effect

on property values.

Fourth, we oppose the proposals because the future new lot owners will build a home approximately 35 feet from the existing lane, directly beside our home, destroying our privacy, and in particular, the privacy of our master bedroom. Please consider the fact that all lots of Burton One, except the McColgan's, are somewhere between $3\frac{1}{2}$ and 8 acres. To create two one-acre lots, and to "jam" a house smack up against ours, is inconsiderate, unwanted and inconsistent with the existing character of Burton One Estates.

We urge you, Mr Jablon, NOT to approve the proposals to waiver existing panhandle standards. Please reject the creation of two six feet panhandles.

Sincerely,

Mrs. Regina Ferry

MARCH 14, 1995

TO BALTIMORE COUNTY OFFICE OF ZONING
ADMINISTRATION AND MANAGEMENT.

FROM BILL AND MARLENE WOLFORD
5706 WILLIAMS ROAD
HYDES, MARYLAND 21082



SUBJECT--PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-
SPH.

WE PURCHASED OUR HOME AND PROPERTY AS LOT # 5 (BURTON SEC. #1) .
AT 5706 WILLIAMS ROAD, HYDES, MARYLAND 21082 ON JUNE 16, 1992.
OUR DEED CLEARLY STATES THAT IT IS SUBJECT TO LIBER #5589 WHICH
PROHIBITS SUBDIVISION OF THIS PROPERTY.

THERE ARE TEN LOTS IN SECTION #1 BURTON AND TWO PANHANDLE ROADS
FOR PROPERTY OWNERS TO SHARE ACCESS. THERE ARE FIVE OWNERS PER
PANHANDLE.

IT DID NOT OCCUR TO US IN 1992 THAT WE COULD OR SHOULD SUBDIVIDE
OUR PROPERTY. WE HAVE ALWAYS BEEN OF THE IMPRESSION THAT WE WERE
PROTECTED BY MARYLAND LAW AND BY THE RULES SET WITH OUR
PURCHASE, UNTIL NOW.

WE HAVE THREE SONS THAT WOULD ENJOY THE BEAUTY OF LIVING
ADJACENT TO THEIR PARENTS, BUT CAN NOT, DO TO THIS PROPERTY BEING
PROTECTED FROM SUBDIVISION.

PLEASE ACT IN OUR BEHALF AT THE HEARING ON MARCH 17, 1995 AND DO
NOT GRANT THIS REQUEST TO EXTEND PANHANDLES FOR THE PURPOSE OF
SUBDIVISION.

SINCERELY,

Bill Wolford
Marlene Wolford

BILL AND MARLENE WOLFORD

1059-95
WCB

March 8, 1995

Baltimore County Office of Zoning Administration
and Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: SPH 95278

We purchased our land known as Lot.#1 (Burton Sec.#1) address
5716 Williams Road, Hydes, Md. 21082 on July 27, 1978.

Our deed to our property clearly states that it is subject
to Liber #5589 which prohibits subdivision of land.

There are 10 lots in Sec.#1 Burton and two Panhandles or access
roads for the 10 property owners to share. Five owners per panhandle.

We did not build on our land until 1992, taking occupancy early
in 1993, however we have always shared in the cost of maintaining
our portion of the panhandle road with our neighbors.

It did not occur to us in 1992, 1978, or 1995 that we could or
should subdivide our land. We have always felt we were protected
by the law and the rules set up with purchase, until now.

Although we are in sympathy with Mr. McColgan and his daughter, we
have five daughters and one son who would love to live adjacent to
Mom & Dad, but can not, because this land is protected from subdivision.

Please act in our behalf at the hearing on March 17, 1995 and
DO NOT GRANT this request to extend panhandles for the purpose of
subdivision, we are the most current residences, pay taxes based
on a value of \$426,410. and want our property protected as agreed
upon in 1978, 1993 when we moved here, and today.

Thank you,

Gerald & May Tignall

Gerald & May Tignall

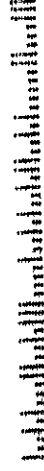
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MAR 13 1995

ZADM

Tignall
5716 Williams Rd
Hydes Md 21082



Watts Co. office of Moring Admin.
111 W. Chesapeake Ave
Towson Md 21204



April 30, 1995

Mr. Timothy M. Kotroco
Deputy Zonint Commissioner for Balto. County
Suite 112 400 Washington Ave.,
Balto. County Government
Towson, Md. 21204

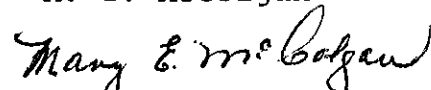
RE: August T. McColgan/Mary E. McColgan
Case No. 95-278-5 PH

This letter will serve as an appeal to the County Board or Appeals for relief from your findings of fact and conclusion of law dated 3 April, 1995 and an appeal from each and every fact contained therein.

Our check in the amount of \$210.00 is enclosed/attached.

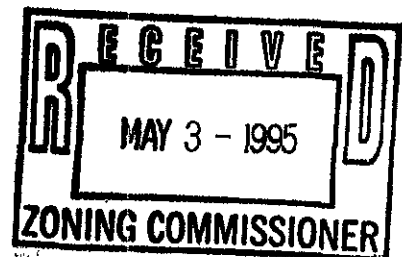
Please notify me/us of the date, time and place of the upcoming hearing.


A. T. McColgan


Mary E. McColgan

cc: Gerald Soukup
Attorney for Protestants
9407 Harford Rd.,
Parkville, Md. 21234

RECEIVED
MAY 4 1995



ZADM

MARCH 14, 1995

TO BALTIMORE COUNTY OFFICE OF ZONING
ADMINISTRATION AND MANAGEMENT.

FROM BILL AND MARLENE WOLFORD
5706 WILLIAMS ROAD
HYDES, MARYLAND 21082



SUBJECT--PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

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PROTECTED FROM SUBDIVISION.

PLEASE ACT IN OUR BEHALF AT THE HEARING ON MARCH 17, 1995 AND DO
NOT GRANT THIS REQUEST TO EXTEND PANHANDLES FOR THE PURPOSE OF
SUBDIVISION.

SINCERELY,

Bill Wolford
Marlene Wolford

BILL AND MARLENE WOLFORD

TO ALL APPLICABLE AGENCIES OF BALTIMORE COUNTY ---

The purpose of this letter is to seek approval of the sub-division of my property at 5624 Williams Road, Hydes, Maryland. Approval is requested to sub-divide in accordance with previously submitted documentation and with information currently attached.

This is not a commercial venture. The plan is to assign , by deed , one acre to my daughter to enable her and her two children to reside nearby . We can then continue to assist in the care and supervision of the children so my daughter can maintain profitable and necessary employment .

As can be ascertained , a proper survey has been conducted and a successful perc test ,which meets county requirements, has been performed. Other requirements such as an Environmental Impact Review and Reforestation will be strictly complied with . Also, the proposed Lot 2 (new) will be granted a 6 foot wide in fee access strip upon favorable approval of a waiver, or if necessary , a zoning action .

To my knowledge, there is no specific prohibition to sub-dividing existing lots . Covenants and Restrictions filed and recorded (Liber 5589 folio 319 - 331) reference a Sub-division Committee approval or consent pertaining to land use . The original developer never established a Sub-division Committee nor have the residents ever moved to organize one in order to provide oversight of the recorded Restrictions.

Therefore, unilateral action by the undersigned, within the constraints of Baltimore County rules , regulations or laws, is considered to be a proper course of action .

December 1st, 1994


August T. McColgan

Mr. Bud Deer

5721 Williams Rd

Hydes, Ind 41082
Tel # 592-5708

send copy of order

95-278-SPH
McColgan

Hand by Tim 3/17

IMPORTANT MESSAGE			
TO	3/30 Pette		
DATE	TIME	A.M. P.M.	
M	Jane Powell		
OF			
PHONE	539-1506		
	Area Code	Number	Extension
FAX			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		RETURNED YOUR CALL	
WANTS TO SEE YOU		WILL CALL AGAIN	
WILL FAX YOU		URGENT!	
Message			
Case # 95-278SPH			
5700 Williams Rd			
Hydes 41082			
Signed			
JW			

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Sherry McGraw

Bill Wolford

JOHN P. POWELL JR

Marlene E. Wolford

May Tigmall

John Ferry

Regina Ferry

DANIEL DENHAM

THOMAS ENGELKE

EDWARD C. DEL

Natalie T. Engelke

ANN M. ANTRIM

Nellie M. Engelke

Howard C. Engelke

John G. Brown Jr

5620 Williams Rd Hydes, MD

5706 " " " "

5709 WILLIAMS Rd HYDES MD

5706 Williams Rd Hydes, MD 21082

5716 WILLIAMS Rd Hydes MD

5628 Williams Rd Hydes, MD 21082

5628 Williams Rd, Hydes, 21082

5626 WILLIAMS RD, HYDES 21082

5710 WILLIAMS RD. HYDES MD. 21082

7433 EDSWORTH RD. BALTO. MD. 21222

5710 Williams Rd Hydes 21082

12 BANDON Rd. #104 TIMONIAN MD 21093

1016 Chesaco Ave. Balt. Md. 21237

2919 Bradenbaugh Rd White Hall Md. 21161

11509 Glen Arth Road Glen Arth MD 21057

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

AUGUST T MCCOLGAN

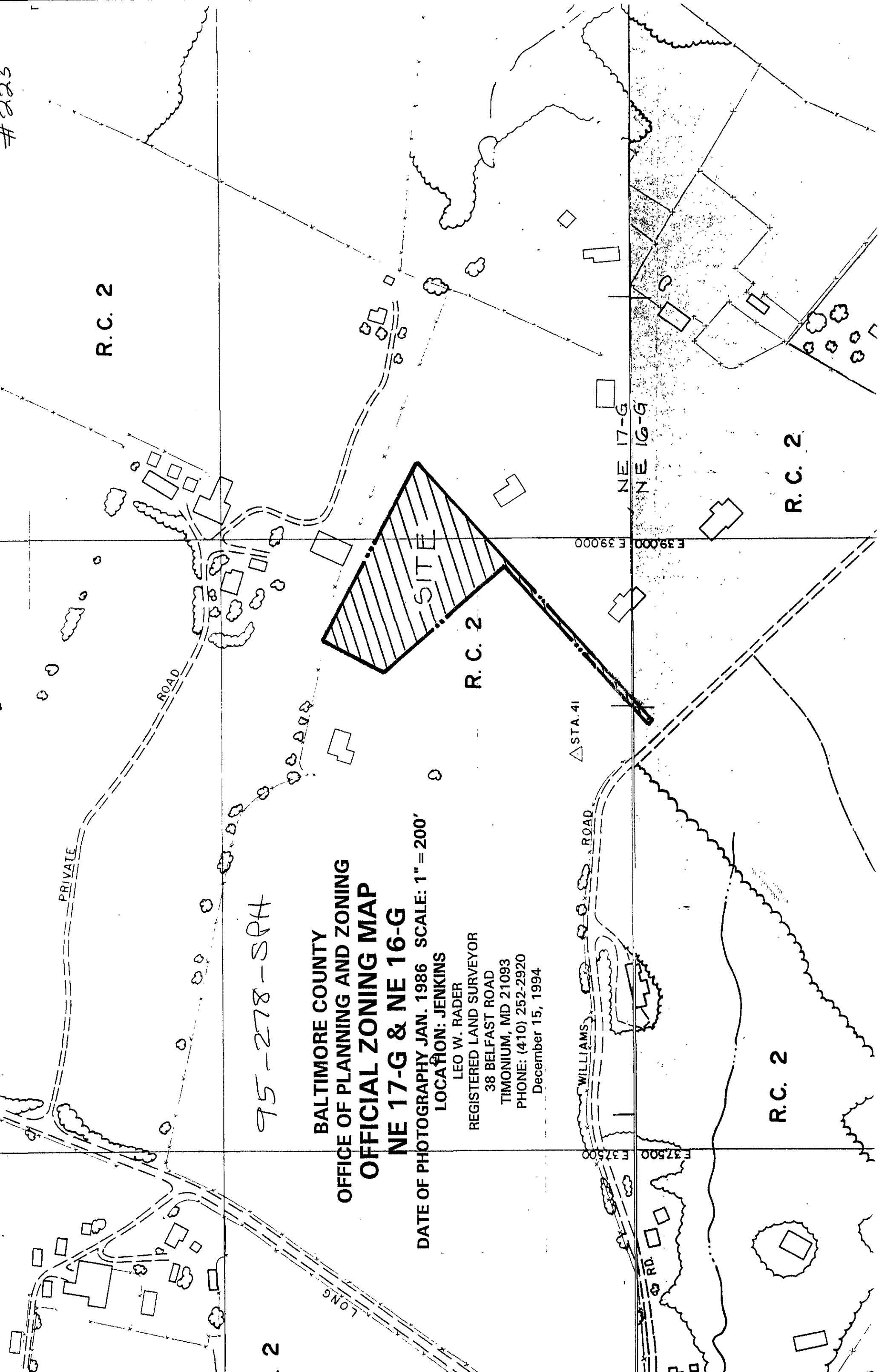
MARY E MCCOLGAN

- Leo Rader

- James Mulloney

5624 Williams Rd 21082

5624 Williams Rd 21082

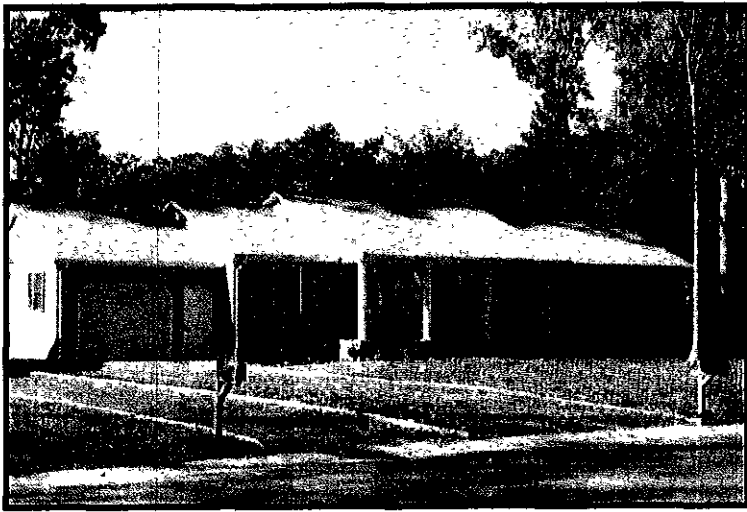




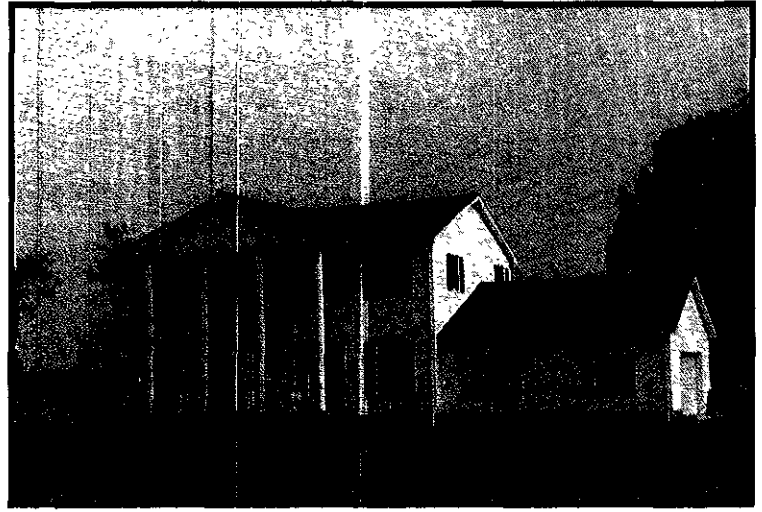
Cape Cod with Single Window Dormers and 4' Set Back Garage **C-1**



Cape Cod Model with Single Window Dormers and In-Law Suite **C-2**



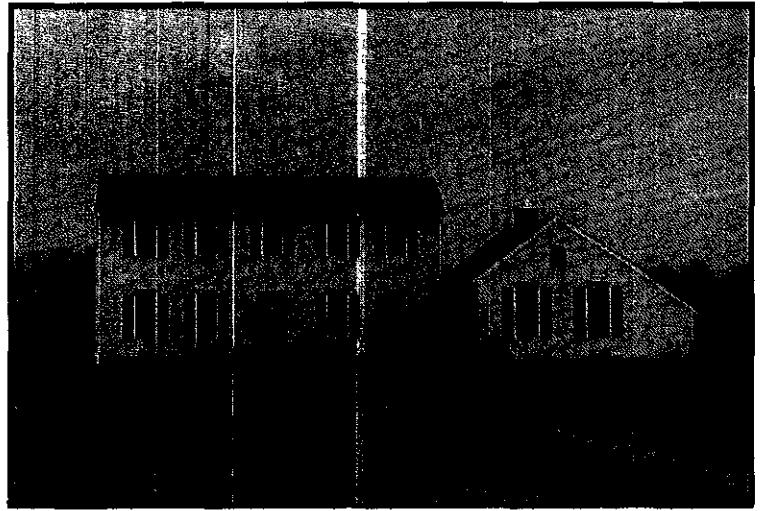
Raised Shed Roof Porch **C-3**



2-Story Colonial with Columns and Louvered Vent **C-4**



Salt Box **C-5**



Salt Box with Salt Box Style Garage **C-6**



Built with Pride
by People who Care

**PETITIONER'S
EXHIBIT NO. 2**

Printed On
Recycled Paper

P.O. Box F, Greenwood, DE 19950-0506 302/349-4561 800/777-4561

6CP-C5/94

June 23, 1987

Mr. Randall White
Maryland Corp.
3817 Baltimore Ave.
Kansas City, Mo. 64111

Re: Community Assoc., Section I, Burton Estates

Dear Sir:

The residents of Burton Estates off Williams Road have had a community meeting and have voted to form a community association.

After reviewing the restrictions, covenants and conditions comprising the Declaration of Restrictions pertaining to above-captioned subdivision, the undersigned have been appointed to contact you concerning clarification of the following points:

- A. A Maryland limited partnership, referred to as the "Company" has the power to appoint one or more members to the Subdivision Committee. (Who comprises the partnership of the "Company" and has the power to appoint such a committee?)
- B. Under Item 2 - "Administration". Are there any persons currently serving as members of the "Subdivision Committee?"
- C. What procedure would you recommend we follow in pursuing the formation of a new Community Association comprised of current homeowners following the guide lines set forth in the existing Declaration of Restrictions?

In the event the "Company" wishes to divest itself of the responsibility to enforce all provisions of the restrictions/covenants and would not like to work within the framework of a "Subdivision Committee" then a declaration to that effect is needed so the residents of Burton One can proceed and establish an appropriate Community Association.

We hope you can promptly provide the information needed to move ahead with this project.

Sincerely yours,

Committee for Burton One
Mac McColgan and Hugh Meyers

cc-Tyburski, Brooks, McColgan, Denham, Powell, Ferry, Meyers, Engelke,
Goldian, Tignall, *Paulinski*

**PETITIONER'S
EXHIBIT NO. 3**

July 24, 1987

Mr. August McColgan, and
Mr. Hugh Meyers
c/o Mac McColgan
5624 Williams Road
Hydes, Maryland 21082

Re: Burton Subdivision

In reply to your June 23rd letter, I offer the following:

- A. Residential Developers, the limited partnership and original developer, merged into a corporation now known as Homesite Developers Corporation which is now the "Company" under the Restrictions. I have been appointed by the corporation as the committee.
- B. Yes, I am.
- C. If you wish to form a community association, I would suggest you consult with an attorney familiar with such matters. We would not consider an assignment of the Company's rights to an association unless it represented the entire Burton Subdivision and all property owners could participate. An alternative to an association could be a subdivision committee of three to five members elected by all the lot owners in Burton on a regular basis. Such committees have been very effective in other subdivisions we've developed.

Homesite would be glad to entertain an assignment of its approval and other rights as the Company to such a community association or subdivision committee. However, Homesite has no special or designated responsibility to "enforce" the restrictions. Enforcement is an elective matter by the Company or any property owner.

July 24, 1987
Page Two

If the Burton lot owners wish to form an association, the association will need to be incorporated and by-laws adopted before an assignment can be accomplished. For a subdivision committee, the lot owners would need to decide on the structure and criteria which would need to be set forth in a recorded declaration or in the assignment document.

If you have any questions, I can most often be reached in our Kansas City office.

Sincerely,

HOMESITE DEVELOPERS CORPORATION

Randy White
for

By: Randy White

RW:fsv

DICTATED BUT NOT READ.

Max Mc Colgan

PETITIONER'S EXHIBIT NO. 5

THIS AGREEMENT is made this 20th day of September, 1976, by RESIDENTIAL DEVELOPERS, Debtor-in-Possession, a limited partnership, and JAMES L. CROSS, JR. and SHERRY L. CROSS (herein called "Cross").

EXPLANATORY STATEMENT

Residential Developers is the owner of lots 6, 7, 8, and 9 and Cross is the owner of lot 10 of Section 1 of the Burton Subdivision in Election District No. 11 in Baltimore County, Maryland, a plat of which has been recorded among the Land Records of Baltimore County in Liber E.H.K., No. 38, folio 128. Cross desires to enter into an agreement with respect to the use and maintenance of a common right-of-way or driveway which affects lots 6, 7, 8, 9, and 10 and of strips of land which adjoin said driveway.

NOW, THEREFORE, in consideration of the premises, and of the sum of One Dollar (\$1.00), paid by each to the other, and for other good and valuable consideration, the receipt of which is acknowledged by all parties hereto, it is agreed as follows:

1. The driveway between lot 6 and lot 10, which is in the center of three twelve-foot wide strips that extend to Williams Road and which is owned or to be owned by the owners of lot 8, which said driveway also extends through lots 7 and 9, shall henceforth be used as a driveway for the use of the foresaid lots 6, 7, 8, 9, and 10, to be used jointly and in common by the present and all future owners thereof. The owners of lots 7, 8 and 9 shall each contribute 1/4 of the cost of the care and maintenance thereof, and the cost and care and maintenance of the two adjoining twelve-foot wide strips between lots 6 and 10, including the cost of snow removal and mowing the grass, and the owners of lots 6 and 10 shall each contribute 1/8 of said costs. The benefits and burdens shall run for the full length of said rights-of-way, driveways, or strips, even though parts thereof extend beyond the property line of any particular lot. The said rights-of-way and driveways shall be used

TRANSFER TAX NOT REQUIRED

10-19-76
Walter R. Richardson

Director of Finance

Per:

Authorized Signature

Max Mc Colgan

Right of Way Agreement

jointly and in common by the present and all future owners and occupants of each of said lots 6, 7, 8, 9, and 10. In the use of said driveway, the same shall not be used for the parking of any vehicle which may obstruct the free use or access by way of ingress or egress to and from Williams Road. No obstruction will be permitted which prevents the free access thereof by any of the other owners or occupants of said lots.

2. It is the intention of this Agreement to create rights-of-way in common as a driveway for access to and from lots 6, 7, 8, 9, and 10. The costs of contribution shall not be a lien or charge upon any of the lots.

3. The cost of the connections from lots 6, 7, 9, and 10 to the forementioned driveway, and the cost of care and maintenance of any such connection, shall be borne by the owners and occupants of each of lots 6, 7, 9 and 10 respectively.

4. These easements, covenants, restrictions, and conditions shall run with the land and shall be binding on all parties having or acquiring any right, title, and interest in the described property or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS the hand and seal of the parties hereto as of the day and year first above written.

WITNESS:

RESIDENTIAL DEVELOPERS,
Debtor-in-Possession

Dorothy H. Fankhanel
Dorothy H. Fankhanel

By: Randall C. White (SEAL)
General Partner

Linwood O. Jarrell, Jr.
Linwood O. Jarrell, Jr.

James L. Cross, Jr. (SEAL)
James L. Cross, Jr.

Linwood O. Jarrell, Jr.
Linwood O. Jarrell, Jr.

Sherry L. Cross (SEAL)
Sherry L. Cross

STATE OF MARYLAND, County OF BALTIMORE, TO WIT:

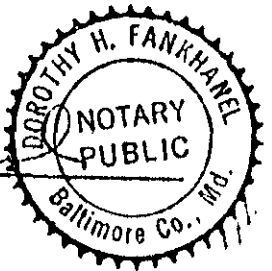
I HEREBY CERTIFY, that on this 20th day of September, 1976, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

RANDALL C. WHITE, who acknowledged himself to be a General Partner of Residential Developers, Debtor-in-Possession, and that he as such General Partner, being authorized to do so, executed the within instrument and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:
July 1, 1978

Dorothy H. Fankhanel
Notary Public
Dorothy H. Fankhanel



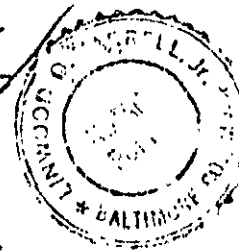
STATE OF MARYLAND, County OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 2nd day of SEPTEMBER, 1976, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared JAMES L. CROSS JR. and SHERRY L. CROSS, who acknowledged that they executed the within instrument for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:
July 1, 1978

Linwood O. Jarrell, Jr.
Notary Public
Linwood O. Jarrell, Jr.



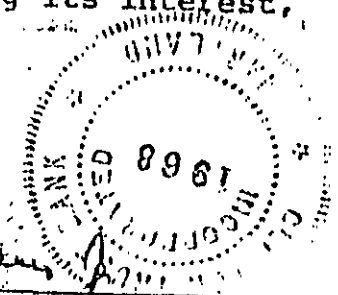
CLIFTON TURST BANK, this 20th day of September, 1976, joins in this Agreement for the purpose of subordinating its interest, as mortgagee, to the Agreement recited herein.

ATTEST:

CLIFTON TRUST BANK

Kathleen Tylus
Kathleen Tylus

By: John A. Farley, Jr.
John A. Farley, Jr.
Chairman of the Board



CLERK BALTIMORE 92-6110
CLERK BALTIMORE 92-6110

Rec'd for record OCT 19 1976 at 2:18 PM
Per Elmer H. Kahlert, Jr. Clerk
Mail to Developers General Corp
Receipt No. 1050

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

January 11, 1995

(410) 887-3353

Mr. August T. McColgan
5624 Williams Road
Hydes, Maryland 21082

RE: Waiver
McColgan Property
DRC Number 12124D

Dear Mr. McColgan:

On January 9, 1995, the Development Review Committee reviewed the plan submitted on the above referenced project and determined that a waiver for Public Works Standards as requested would be within the scope, purpose and intent of the Development Regulations of Baltimore County. The development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 26-180).

Enclosed please find a copy of a memo dated January 3, 1995 from the Department of Public Works in reference to your waiver request.

Should you have any questions, please contact Robert W. Bowling, Developers Engineering Section, Department of Public Works at 887-3751.

Sincerely,

A handwritten signature in cursive script that reads "Donald T. Rascoe".

DONALD T. RASCOE, MANAGER
Development Management

DTR:KAK:aw
Enclosure
c: Les Schreiber
Susan Wimbley
Waiver File



1/5/95 35-95
8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Thomas H. Hamer, P.E. *THH*
Acting Director
Department of Public Works

SUBJECT: Waiver No. 12124 D of
Pan Handle Drive Standards
5624 Williams Road
District No 11C6

DATE: January 3, 1995

This is in response to a waiver request from James T.
Mullaney dated December 1, 1994 (copy attached).

In accordance with Section 26-172 (a) of the Development
Regulations, I am requesting the following action be taken by the
Hearing Officer with respect to the subject waiver:

That the required 12 foot in-fee strip be waived to allow two
6 foot in-fee strips to serve the re-subdivision of lot number
9, Section One "Burton" into one additional lot subject to
compliance with all the other provisions in Section 26-266 of
the Baltimore County Code.

Original documentation and exhibits that were submitted by the
developers engineer are attached, and should be filed in the project
folder. Questions concerning this waiver may be directed to General
Engineering Division (ext. 3451, David Thomas or Les Schreiber) or
Developers Engineering Section (ext. 3751, Bob Bowling).

THH:LCS:ckt
Attachments
cc: Project Manager
L. Schreiber
B. Bowling
Z.A.D.M.-file
File

W12124D/REFINE

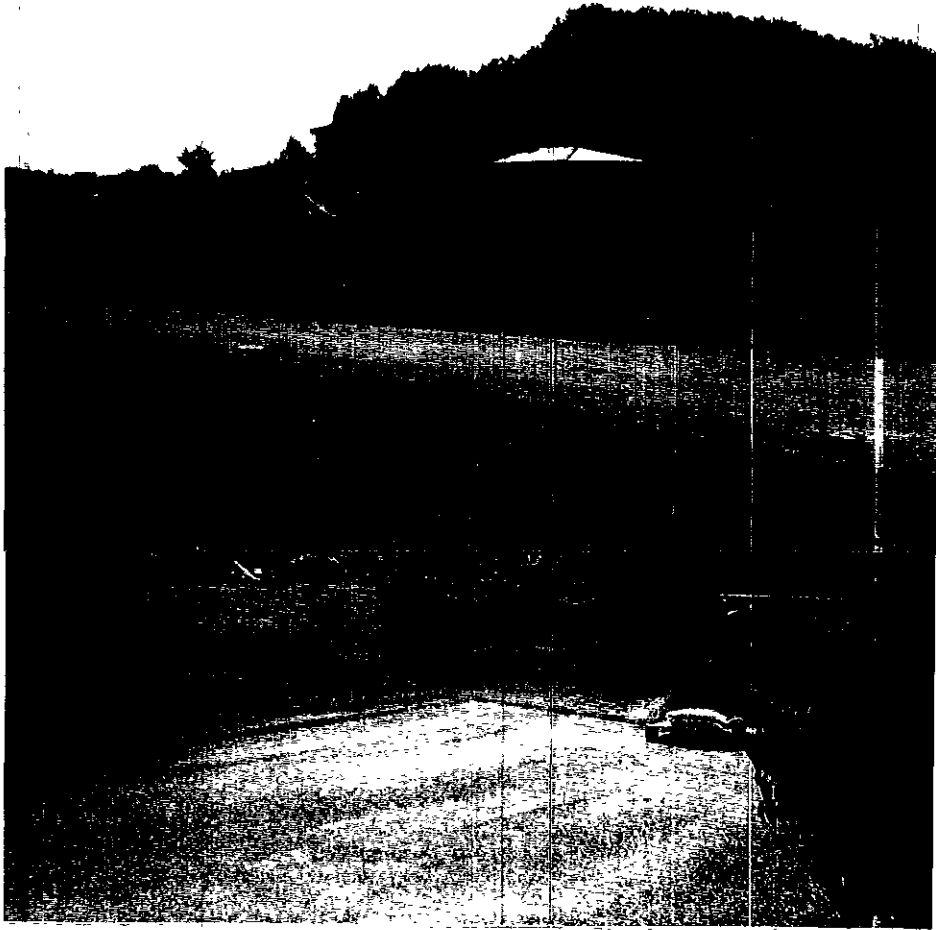
RECEIVED
JAN 5 1995
ZADM

4A



From center of lot to
McColgan residence

24



From So side of McColgan
house to McArak residence

4C



From center of lot to
South (Mc Graw Residence)

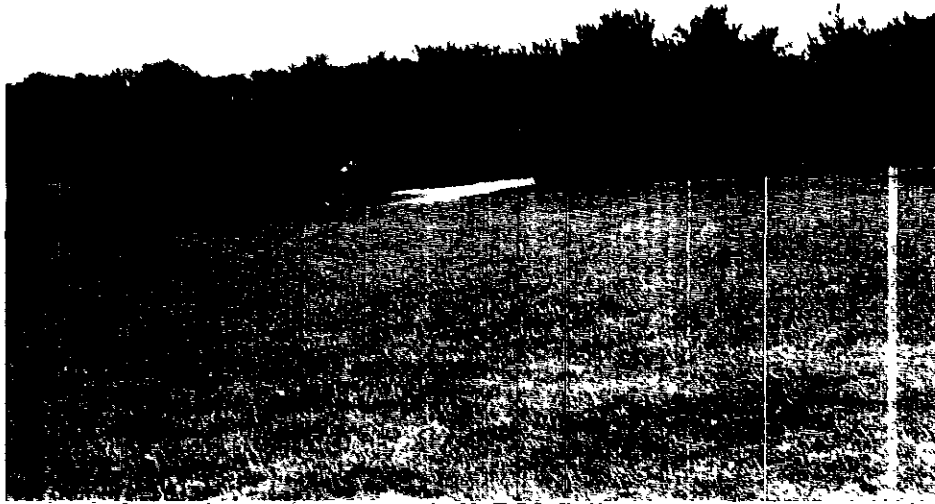
4C



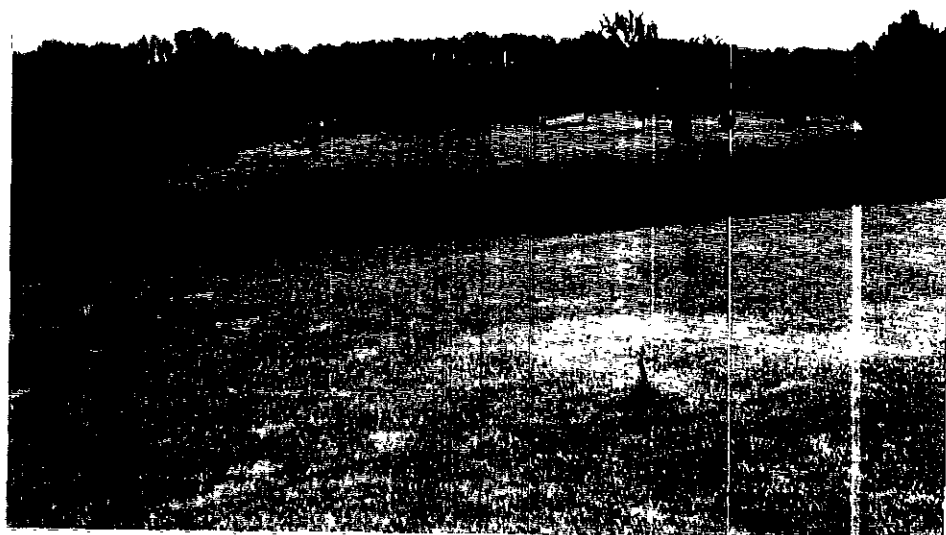
From Center of lot S.E. to
Powell Residence



From West side of lot to
Ferry Rendance



From S.W. corner of lot
to Ferry Residence



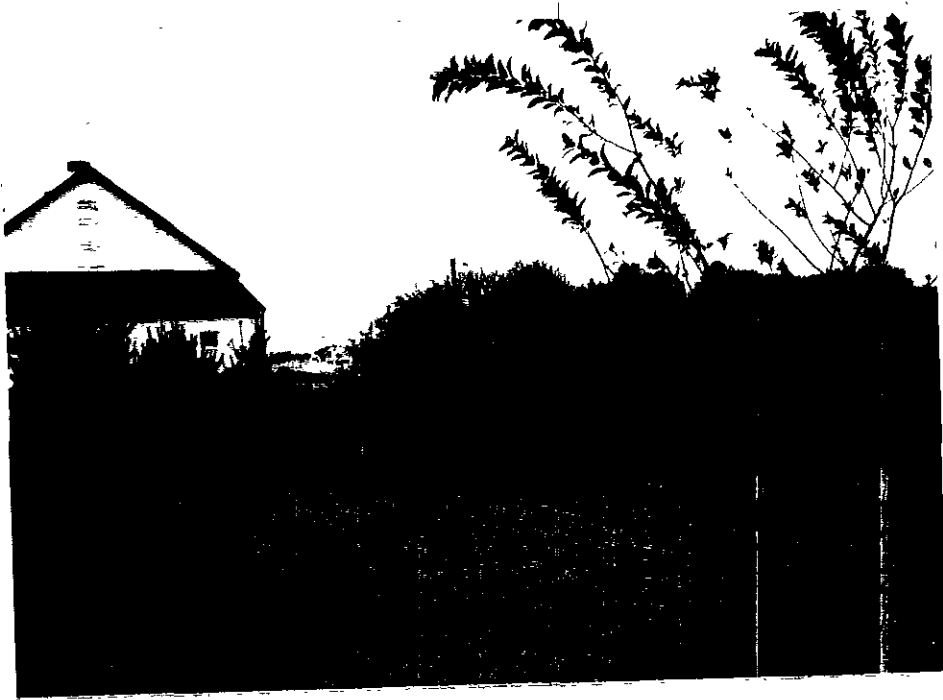
From Center of lot to
East (Englekey Barn)

4H



From center of lot to
North

4H



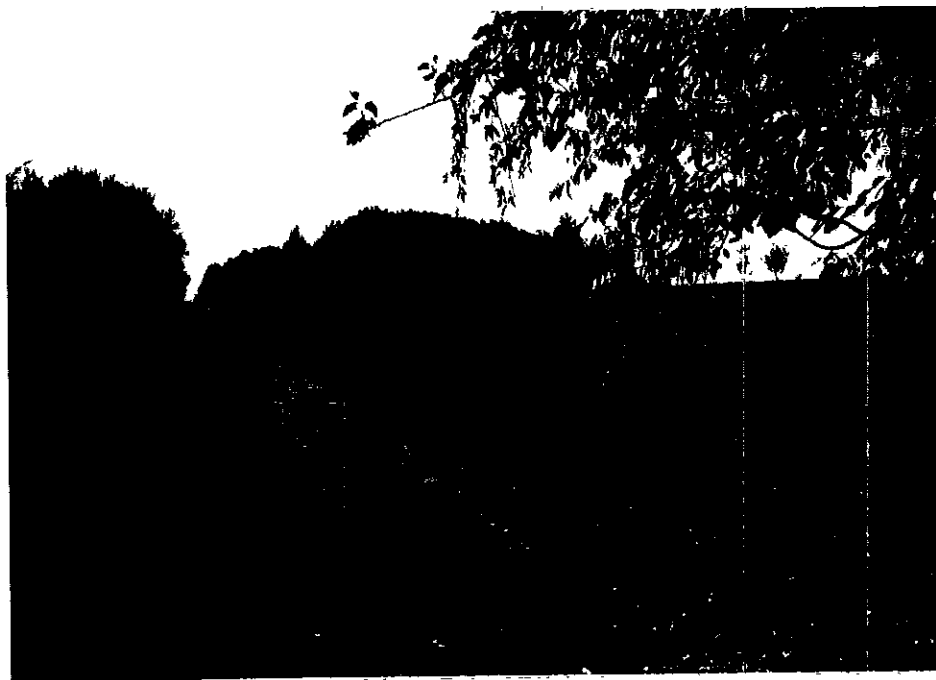
From the Colgan property
view to N.E.

4J



From center of lot N. W.
to Burton property

4 J.



North to South view
up parLondle Road
~~adjacent to Ferry driveway~~



View of Benton property
and house from So end of
Pantandle road

~~52~~
5C



From pantaulle Road to
McColgan Residence

5C



South to North down
pandangle Road adjacent
to Ferry driveway

SE



Arch to South of Panhandle
Road adjacent to Ferry
Driveway

Se



From par handle Rd adjacent
to McColgan driveway North to
Barton & Klein property



From panhandle Rd near
McColgan driveway S.W. to
the Snow residence

5H



From par Landle Rd ~~to~~ near
McColgan driveway SE to
Powell residence

5L

Appellants Exh. #6

5687

275

Mac McColgan

THIS AGREEMENT is made this 20th day of September, 1976, by RESIDENTIAL DEVELOPERS, Debtor-in-Possession, a limited partnership, and JAMES L. CROSS, JR. and SHERRY L. CROSS (herein called "Cross").

EXPLANATORY STATEMENT

Residential Developers is the owner of lots 6, 7, 8, and 9 and Cross is the owner of lot 10 of Section 1 of the Burton Subdivision in Election District No. 11 in Baltimore County, Maryland, a plat of which has been recorded among the Land Records of Baltimore County in Liber E.H.K., No. 38, folio 128. Cross desires to enter into an agreement with respect to the use and maintenance of a common right-of-way or driveway which affects lots 6, 7, 8, 9, and 10 and of strips of land which adjoin said driveway.

NOW, THEREFORE, in consideration of the premises, and of the sum of One Dollar (\$1.00), paid by each to the other, and for other good and valuable consideration, the receipt of which is acknowledged by all parties hereto, it is agreed as follows:

1. The driveway between lot 6 and lot 10, which is in the center of three twelve-foot wide strips that extend to Williams Road and which is owned or to be owned by the owners of lot 8, which said driveway also extends through lots 7 and 9, shall henceforth be used as a driveway for the use of the foresaid lots 6, 7, 8, 9, and 10, to be used jointly and in common by the present and all future owners thereof. The owners of lots 7, 8 and 9 shall each contribute 1/4 of the cost of the care and maintenance thereof, and the cost and care and maintenance of the two adjoining twelve-foot wide strips between lots 6 and 10, including the cost of snow removal and mowing the grass, and the owners of lots 6 and 10 shall each contribute 1/8 of said costs. The benefits and burdens shall run for the full length of said rights-of-way, driveways, or strips, even though parts thereof extend beyond the property line of any particular lot. The said rights-of-way and driveways shall be used

TRANSFER TAX NOT REQUIRED

10-19-76
Walter R. Richardson

Director of Finance

Per: Thomas J. Colburn


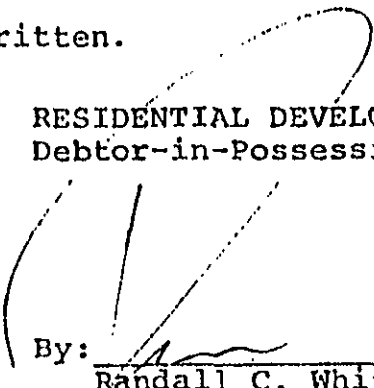
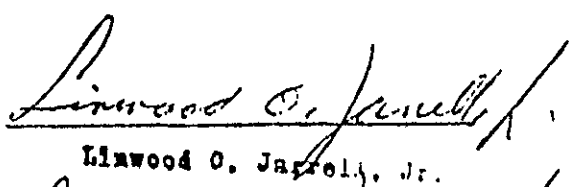
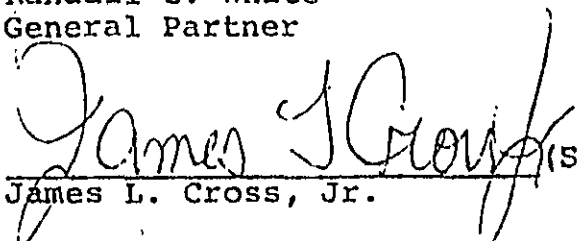
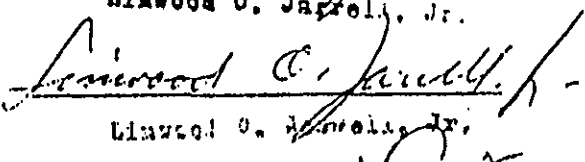

jointly and in common by the present and all future owners and occupants of each of said lots 6, 7, 8, 9, and 10. In the use of said driveway, the same shall not be used for the parking of any vehicle which may obstruct the free use or access by way of ingrees or egress to and from Williams Road. No obstruction will be permitted which prevents the free access thereof by any of the other owners or occupants of said lots.

2. It is the intention of this Agreement to create rights-of-way in common as a driveway for access to and from lots 6, 7, 8, 9, and 10. The costs of contribution shall not be a lien or charge upon any of the lots.

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WITNESS the hand and seal of the parties hereto as of the day and year first above written.

WITNESS:	RESIDENTIAL DEVELOPERS, Debtor-in-Possession
 Dorothy H. Fankhanel	By:  (SEAL) Randall C. White General Partner
 Linwood O. Jarrell, Jr.	 (SEAL) James L. Cross, Jr.
 Linwood O. Jarrell, Jr.	 (SEAL) Sherry L. Cross

STATE OF MARYLAND, County OF BALTIMORE, TO WIT:

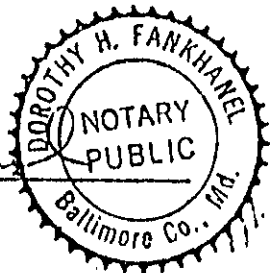
I HEREBY CERTIFY, that on this 20th day of September, 1976, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

RANDALL C. WHITE, who acknowledged himself to be a General Partner of Residential Developers, Debtor-in-Possession, and that he as such General Partner, being authorized to do so, executed the within instrument and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:
July 1, 1978

Dorothy H. Fankhanel
Notary Public
Dorothy H. Fankhanel



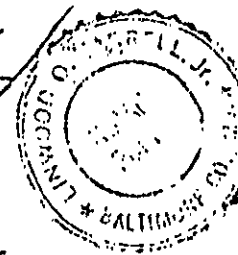
STATE OF MARYLAND, County OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 20 day of September, 1976, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared JAMES L. CROSS JR. and SHERRY L. CROSS, who acknowledged that they executed the within instrument for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:
July 1, 1978

Linwood O. Jarrell, Jr.
Notary Public
Linwood O. Jarrell, Jr.



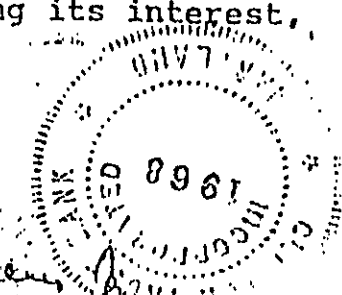
CLIFTON TURST BANK, this 20th day of September, 1976, joins in this Agreement for the purpose of subordinating its interest, as mortgagee, to the Agreement recited herein.

ATTEST:

CLIFTON TRUST BANK

Kathleen Tylus
Kathleen Tylus

By: *John A. Farley, Jr.*
John A. Farley, Jr.
Chairman of the Board



CLERK 2510452 91-51 101
CLERK 2510452 91-51 101

Rec'd for record OCT 19 1976 at 2:18 PM
Per Elmer H. Kahlert, Jr. Clerk
Mail to Developers General Corp
Receipt No. 10-50

June 23, 1987

Mr. Randall White
Maryland Corp.
3817 Baltimore Ave.
Kansas City, Mo. 64111

Re: Community Assoc., Section I, Burton Estates

Dear Sir:

The residents of Burton Estates off Williams Road have had a community meeting and have voted to form a community association.

After reviewing the restrictions, covenants and conditions comprising the Declaration of Restrictions pertaining to above-captioned subdivision, the undersigned have been appointed to contact you concerning clarification of the following points:

- A. A Maryland limited partnership, referred to as the "Company" has the power to appoint one or more members to the Subdivision Committee. (Who comprises the partnership of the "Company" and has the power to appoint such a committee?)
- B. Under Item 2 - "Administration". Are there any persons currently serving as members of the "Subdivision Committee?"
- C. What procedure would you recommend we follow in pursuing the formation of a new Community Association comprised of current homeowners following the guide lines set forth in the existing Declaration of Restrictions?

In the event the "Company" wishes to divest itself of the responsibility to enforce all provisions of the restrictions/covenants and would not like to work within the framework of a "Subdivision Committee" then a declaration to that effect is needed so the residents of Burton One can proceed and establish an appropriate Community Association.

We hope you can promptly provide the information needed to move ahead with this project.

Sincerely yours,

Committee for Burton One
Mac McColgan and Hugh Meyers

cc-Tyburski, Brooks, McColgan, Denham, Powell, Ferry, Meyers, Engelke,
Goldian, Tignall, *Pawlinski*

**PETITIONER'S
EXHIBIT NO. 3**

July 24, 1987

Mr. August McColgan, and
Mr. Hugh Meyers
c/o Mac McColgan
5624 Williams Road
Hydes, Maryland 21082

Re: Burton Subdivision

In reply to your June 23rd letter, I offer the following:

- A. Residential Developers, the limited partnership and original developer, merged into a corporation now known as Homesite Developers Corporation which is now the "Company" under the Restrictions. I have been appointed by the corporation as the committee.
- B. Yes, I am.
- C. If you wish to form a community association, I would suggest you consult with an attorney familiar with such matters. We would not consider an assignment of the Company's rights to an association unless it represented the entire Burton Subdivision and all property owners could participate. An alternative to an association could be a subdivision committee of three to five members elected by all the lot owners in Burton on a regular basis. Such committees have been very effective in other subdivisions we've developed.

Homesite would be glad to entertain an assignment of its approval and other rights as the Company to such a community association or subdivision committee. However, Homesite has no special or designated responsibility to "enforce" the restrictions. Enforcement is an elective matter by the Company or any property owner.

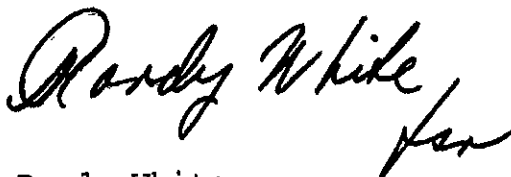
July 24, 1987
Page Two

If the Burton lot owners wish to form an association, the association will need to be incorporated and by-laws adopted before an assignment can be accomplished. For a subdivision committee, the lot owners would need to decide on the structure and criteria which would need to be set forth in a recorded declaration or in the assignment document.

If you have any questions, I can most often be reached in our Kansas City office.

Sincerely,

HOMESITE DEVELOPERS CORPORATION

By: 
Randy White

RW:fsv

Dictated but not read.

CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Facsimile
(410)683-4079

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE 2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980

The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977

The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

**PROFESSIONAL
SOCIETIES**

1/69 to Present

American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

1/69 to Present

American Institute of Certified Planners

1975 to 1988

The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90

Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90

The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL

1985 to 1988

The University of MD at Baltimore
Advise on planning program

1992 to Present

The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.

App. Pet. 9a

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 24, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
5624 Williams Road, NE/S Williams Rd.,
2100' E of c/l Long Green Pike
11th Election Dist., 6th Councilmanic
AUGUST AND MARY MCCOLGAN, Petitioners
Case No. 95-278-SPH

Dear Chairman Schuetz:

This case involves a subdivision zoned R.D.P. (Rural Deferred Planning) at the time of approval, in the era 1971-75. The R.D.P. zone allowed a density of one unit per acre. Bill 100-70. It was mapped in 1971.

The then-R.D.P. and -R.S.C. zones were replaced by the Resource Conservation zones in Bill 98-75, as amended by Bill 178-79 and 199-90. The R.C. zones were first mapped in 1976. See Security Management Company v. Baltimore County, 104 Md.App. 234 (1995), Cert. denied ___ Md. ___ (1995).

The subject subdivision and property is zoned R.C.-2, agricultural. The County Council significantly reduced and restricted the subdivision lot density in this zoning classification. The density is governed by BCZR 1A01.3B. Indeed, the National Agricultural Lands Study, circa 1980, gave honorable mention to Baltimore County's agricultural preservation efforts. This sourcebook is available for review.

This issue of resubdivision of a lot approved in the R.D.P. subdivision era, later rezoned to R.C.-2, has arisen in the Foreston Ridge case. There, we expressed the view that such resubdivision is contrary to the purpose of the agricultural zone. A copy of our letter in that case is therefore resubmitted here.

The Board did not reach the merits of the issue in Foreston Ridge, because of procedural concerns not involved in the present case.

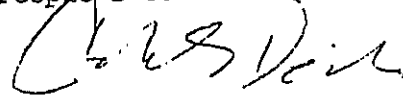
Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
October 24, 1995
Page Two

Accordingly, the case before the Board presents an opportunity to address an issue of public importance in the interpretation and implementation of R.C.-2 subdivision lot density in historically R.D.P. subdivisions.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure

cc: James Mullaney, Esquire
Gerald Soukup, Esquire

App. Ref. 96

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 5, 1995

95 JUL -5 PM 3:13

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Foreston Ridge
Case No. CBA-95-128

Dear Chairman Schuetz:

Please enter our appearance in the above-entitled case.

Pursuant to this office's responsibility to defend the comprehensive zoning maps, we have reviewed the question of whether the R.C.-2 (Agricultural) zone subdivision lot density provision, BCZR 1A01.3B, allows resubdivision of lots subdivided under the R.D.P. (Rural Deferred Planning) zone in effect between 1970 and 1975.

Upon review of the language and purpose of this provision, and the legislative findings pertinent to the R.C.-2 zone (BCZR 1A01.1), it appears that the County Council had in mind the subdivision of large parcels, or at least parcels not already subdivided. In other words, we do not believe the legislature intended the R.C.-2 zone to function as a density multiplier for R.D.P. lots. This would frustrate both the resource conservation purpose of the zone and the reasonable expectations of property owners in such subdivisions.

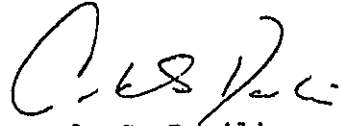
The position here is consistent with the position of the office in other pending cases.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
July 5, 1995
Page Two



Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Donald McEvoy, Sr.
17732 Foreston Road
Parkton, MD 21120

J. Carroll Holzer, Esquire

Pat. # 10
App.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 26, 1995

SUBJECT: 5624 Williams Road

INFORMATION:

Item Number:

225

Petitioner:

August T. McColgan

Property Size:

Zoning:

R.C. 2

Requested Action:

Hearing Date:

/ /

SUMMARY OF RECOMMENDATIONS:

On January 9, 1995, the Development Review Committee reviewed the subject request and determined a waiver of Public Works standards would be "within the scope, purpose and intent of the Development Regulations of Baltimore County."

The Department of Public Works recommended to the Hearing Officer "that the required 12 foot in-fee strip be waived to allow two six foot in-fee strips to serve the re-subdivision of lot number nine, Section One Burton into one additional lot subject to compliance with all of the other provisions of the Baltimore County Code."

Based upon a review of the information provided and analysis conducted, staff offers the following comments:

Although these comments are premature in terms of the timing of the overall approval process, we feel that it is important that that applicant be aware of the position of this office from the outset.

The applicant proposes to subdivide a lot which is located in the existing Burton development for which a waiver of panhandle standard is required. Land use in the immediate vicinity is rural residential and agricultural.

The old R.D.P. (Rural Deferred Planning) zoning classification enabled development such as Burton, and provided for development of rural land at a density far in excess of what is permitted today in any of the R.C. zones.

Bill No. 100, 1970, outlined the following area regulations for R.D.P. development:

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]
2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]
3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

In 1975, Bill No. 98-75 was enacted to establish four new zoning classifications (R.C. 2, R.C. 3, R.C. 4 and R.C. 5) to preserve Baltimore County's natural resources. The legislative findings outlined expressed some of the following concerns:

- Development in rural Baltimore County had been taking place at an increasing rate;
- Development in rural areas resulted in undesirable land use patterns.

The purpose of the legislation in creating the R.C. zones was to 1) discourage present land use patterns of development and to create the framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intense development commences.

Based upon a review of the outlined legislative findings and purposes for R.C. zones, staff concludes that the County Council felt that R.D.P. development was an inappropriate land use pattern. Therefore, it seems to follow that their intent was that there be no further development of this type. The applicant's request to further subdivide a lot within a R.D.P. development, if permitted, would serve to circumvent the Council's attempt to establish reasonable land use patterns in the rural areas of Baltimore County.

Rural Deferred Planning development was identified as an undesirable land use nearly twenty years ago, and staff can find no reason to justify a request that would, in affect, create more density immediately, and encourage other such requests in the future.

Staff has also reviewed the legal requirement for panhandle lots outlined in Section 26-266 of the Development Regulations and finds the request should be denied because the subject parcel is not irregularly shaped, and panhandle access is not being utilized to avoid development in an environmentally sensitive area.

While some panhandle lots were created as part of the original Burton subdivision, these lots required panhandle access since a public road was not desirable. Staff believes that additional panhandle development will be detrimental to adjacent properties. Therefore, we recommend that the applicant's request be denied.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kears

PK/JL:lw

suant to it would provide adequate access for emergency-service vehicles to each building on the tract. Internal circulation must be predominantly by local streets and through-traffic movement predominantly by collector or arterial streets. Only the minimum necessary number of driveway entrances on collector or arterial streets may be permitted, and the county may require the provision of a single access drive or a frontage road to serve adjacent buildings or lots, where necessary to reduce the number of entrances on an arterial street. Access drives connecting nonresidential developments may be required. The street system may be required to be extended to the boundaries of the tract and connected to adjacent street.

(Code 1978, § 22-81)

Cross reference—Roads, bridges and sidewalks, tit. 31.

Sec. 26-263. Street design and construction.

Proposed streets must conform to adopted county standards for design and construction, except that different standards may be imposed where necessary to:

- (1) Preserve trees or other natural features;
- (2) Minimize grading or impervious surfacing;
- (3) Accommodate utilities, landscaping, benches, sidewalks, or other street-side facilities; or
- (4) Increase the suitability of the design or construction to the terrain, soil, surface drainage, groundwater, or anticipated traffic load or speed.

In addition, the county may require the provision of turning lanes and traffic signals as necessary at heavily traveled intersections or impose other special requirements for street design or arrangement as may be necessary to minimize the total number of intersections or to minimize four-way intersections, oblique intersections, intersections on curves, or large corner radii. No proposed street may be designed so as to intersect at grade with any railroad, except sidings.

(Code 1978, § 22-82)

Cross reference—Roads, bridges and sidewalks, tit. 31.

Sec. 26-264. Parking, signs, benches and transit facilities.

(a) Parking required under provisions of the zoning regulations and the state building code for

the handicapped must be located and designed so as not to interfere with vehicular or pedestrian traffic and so as to be convenient to the principal entrance of buildings. Parking areas may be required to be dispersed on the site so that each is relatively small.

(b) Signposts must be unobtrusive and the total number of signs minimized. In particular, informational signs must not be placed or be of such a number or design as to distract drivers' attention from traffic-control signs or devices.

(c) Benches or other outdoor furniture may be required to be grouped and be of "break-away" designs. Street lighting must be of types and sizes both adequate for safety and appropriate to the vicinity.

(d) Transit facilities such as bus turnouts may be required for sites to be served by public transit. (Code 1978, § 22-83)

Cross references—Advertising and signs, tit. 3; motor vehicles and traffic, tit. 21; stopping, standing and parking, § 21-101 et seq.

Sec. 26-265. Pedestrian and bicycle paths.

The manual adopted pursuant to section 26-283(b)(4) may provide for the design and location of pedestrian and bicycle paths.

(Code 1978, § 22-84)

Sec. 26-266. Panhandle driveways.

Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare. Panhandle lots may be permitted in accordance with the following standards:

- (1) Each lot of less than three (3) acres shall include an in-fee strip of land providing access to the local street, except as provided in subsection (2) of this section. Panhandle fee strips shall be a minimum of twenty (20) feet in width to serve one (1) lot, a min-

- imum of twelve (12) feet in width per lot where two (2) lots are involved, and a minimum of ten (10) feet in width per lot where three (3) or more lots are involved. In developments within the metropolitan area where public water and sewer services are available, planned, or considered, the minimum panhandle fee strip for two (2) or more lots is twelve (12) feet per lot.
- (2) The hearing officer may approve access to the local or collector street through an existing right-of-way instead of an in-fee strip, in cases where such a right-of-way has been established prior to the submittal of the development plan.
 - (3) A single panhandle driveway may serve up to five (5) dwellings, three (3) of which may be on internal lots not adjacent to the local or collector street. Panhandle driveways serving lots greater than twenty thousand (20,000) square feet may serve five (5) internal lots plus two (2) dwellings on the front lots adjacent to the panhandle driveway and the local or collector street. In either case the front lots need not be part of the panhandle driveway development. Notwithstanding the provisions of section 26-172, none of the requirements in this subsection shall be waived.
 - (4) In any DR zone, the panhandle length shall not exceed five hundred (500) feet. In any RC zone, the panhandle length shall not exceed one thousand (1,000) feet. The maximum permitted length of a panhandle is subject to variance under section 307 of the zoning regulations.
 - (5) For panhandle driveways serving more than one (1) lot, covenants are to be noted on the record plat providing for common use and maintenance of the panhandle driveway and culvert if any.
 - (6) The orientation of the dwelling shall be indicated on the plan. The dwelling shall be oriented to establish a desirable relationship between the proposed dwellings and existing adjacent homes and between the proposed dwellings themselves.
 - (7) Provision must be made at the intersection of the panhandle driveway and the street for collection, mail delivery, and identification of each dwelling served by the panhandle as follows:
 - a. A paved trash collection area shall be located at the right-side intersection of the panhandle driveway and public road, as the driveway is exited. The trash collection area shall provide at least sixteen (16) square feet per dwelling unit served by the panhandle driveway.
 - b. The mail delivery area shall be located at the left intersection of the panhandle driveway and public road, as the driveway is exited.
 - c. Each dwelling served by a panhandle driveway shall be numerically identified in accordance with section 7-8 of this Code.
 - (8) The panhandle driveway shall be built in accordance with standards established by the director of public works. The panhandle shall be paved within one (1) year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. In DR zones, utilities shall be provided to all lots to be served by the panhandle prior to the paving of the panhandle driveway.
 - (9) No parking shall be permitted along a panhandle driveway.
 - (10) Notwithstanding any other provision of these regulations to the contrary, the director of planning may grant a final waiver from any part of this section or these regulations, except subsections (3) and (4) of this section, if the director finds (i) that the size, scope, and nature of the subdivision of land into three (3) or fewer lots for residential single-family dwellings does not justify strict compliance with this section, and (ii) that a waiver would be within the scope, purpose, and intent of this section, and (iii) all other county ordinances and regulations have been complied with.
- (Code 1978, § 22-85; Bill No. 172, 1989, § 2; Bill No. 106, 1990, § 1; Bill No. 61-95, § 1, 6-30-95)

APP # 12
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Susan Carrell, Planner
Office of Planning

Date: January 15, 1979

FROM: Edward S. Tochtermann, Jr.
Fire Protection Engineer

SUBJECT: Fire Protection Problems with "Pan-Handle" Residential
Building Lots

Pursuant to our meeting of December 8, 1978 concerning the varied problems in providing fire protection to residential building lots with a "pan-handle" type of design, I have gathered the following information which supports the fire department's point of view.

Although the fire protection problems with "pan-handle" lots are multifarious, their inherent difficulty is the access to which emergency vehicles have to the individual buildings located remotely from the closest public or private road. The Baltimore County Fire Department has virtually no accessibility problems with public or private "dead-end" streets of a 24 foot minimum width. Those "dead-end" streets of such 24 foot width must have a true cul-de-sac turn around for emergency apparatus if the "dead-end" exceeds 300 feet in length. Pan-handle roadways however, have been permitted in the past which far exceeded three hundred (300) feet in length with no proper turn arounds being provided. The result obviously is that sometimes fire apparatus drivers must back their vehicles up for long distances along narrow pan-handle roadways. Occasionally an engine will leave the "hard surface" and because of its weight, will become disabled. The point is, when should a regular twenty-four (24) foot paved road with a cul-de-sac be required versus the acceptance of pan-handle roadways?

Pan-handle roadways if continued to be accepted in Baltimore County should be designed to meet the following criteria so as to assure a reasonable level of fire and emergency medical protection.

1. Width: The minimum acceptable width for a pan-handle roadway should be sixteen (16) feet. This requirement is based on the fact that a standard piece of fire apparatus is approximately eight (8) feet wide. Road widths less than sixteen feet would prohibit emergency access and egress whenever another vehicle was parked or also attempting access or egress. Passing zones have been found to be of limited value because they are not always in the needed location. Reduced widths not only prohibit vehicular passing, but also place the burden on the apparatus driver to assure his engines wheels are all tracking on the hard surface.

SUBJECT Fire Protection Problems with "Pan-Handle" Residential Building Lots

1. (cont'd)

Movement of apparatus into the center of such roadways is also necessary where physical obstructions such as tree limbs project into the hard surface at less than a minimum twelve (12) feet above the roadway surface.

2. Length: The length of "pan-handle" roadways is critical when considering fire department water supply requirements. No such roadway should ever be permitted to be in excess of one thousand (1000) feet long as measured from the public or private road up to the most remote building on the most remote property parcel requiring protection. Although County fire apparatus does have more than 1000 feet in the hose bed, the 1000 foot limit allows for several extra sections to be pulled at both ends of the line being laid plus an extra factor for the sinuous (back and forth) pattern in which the hose actually is laid on the roadway.

In areas where the property being served is provided with a public water supply and therefore public fire hydrants, the most remote building on the most remote property parcel should not again exceed this 1000 foot limitation. It should also be mentioned that in checking with the Public Protection Department of the Insurance Services Office of Maryland, this office was advised that those residential buildings located further than six-hundred (600) feet from an approved public fire hydrant would receive a substantially reduced fire protection rating classification which would be considered as Class 10 protected rural. Therefore, in the instance of a typical 1000 foot "pan-handle" set back, the home fronting at the public road with a fire hydrant out front would receive the benefit of the County's Class 3 public protection rating. Whereas the home at the end of the 1000 foot pan-handle would only receive a Class 10 protected rural classification and thereby a substantial increase in their fire insurance premiums. This situation seems hardly a fair burden to place upon individual property owners. Construction of a true twenty-four (24) foot paved roadway with cul-de-sac and proper fire hydrant spacing along the improved roads in accordance with the Baltimore County Standard Design Manual would alleviate such problems.

SUBJECT Fire Protection Problems with "Pan-Handle" Residential Building Lots

3. Emergency Vehicle Turn Arounds: At present "pan-handle" roadways are not provided with emergency vehicle turn arounds. As stated previously, this does contribute to the fire departments problems of access and egress. Pan-handle building lots should not be permitted to be in excess of three hundred (300) feet in length to the most remote dwelling without either the recognized cul-de-sac with a minimum eighty (80) foot diameter or a "Tee" turn around which would meet the provisions of drawing R-19 of the Baltimore County Standard Design Manual (this assumes a minimum pan-handle roadway width of not less than twenty four feet).
4. Weight Limits: At the present time no weight limit criteria has been established or exists for the construction of pan-handle roadways. Since the Baltimore County Fire Department is charged by law with providing fire protection to the county's citizens, it would seem reasonable to assume that access to new homes and other structures should be provided with vehicular access capable of being used by fire department vehicles.

Therefore, all "pan-handle" roadways should be designed and constructed so as to withstand the size and weight of a fire engine. The Fire Departments fire engines are 45,000 pounds gross vehicle weight on two axles. Access roadways not designed to meet this weight limit criteria would not only prohibit emergency vehicle access in time of need, but also could damage the fire engine extensively.

Pan-handle roadways which cross streams and culverts also pose a potential weight limit problem to fire apparatus and should be engineered and designed to support the weight of one fire engine. Such bridge or culvert design should be certified by a registered engineer of the State of Maryland. Posting of the certified weight limit should be made so that fire apparatus drivers will not hesitate to use the bridge in time of need. Many uncertified pan-handle roadway and even private roadway bridges exist throughout the County at the present time. The costs of not providing certified bridge weights and proper design and construction are:

SUBJECT Fire Protection Problems with "Pan-Handle" Residential Building Lots

4. (cont'd)

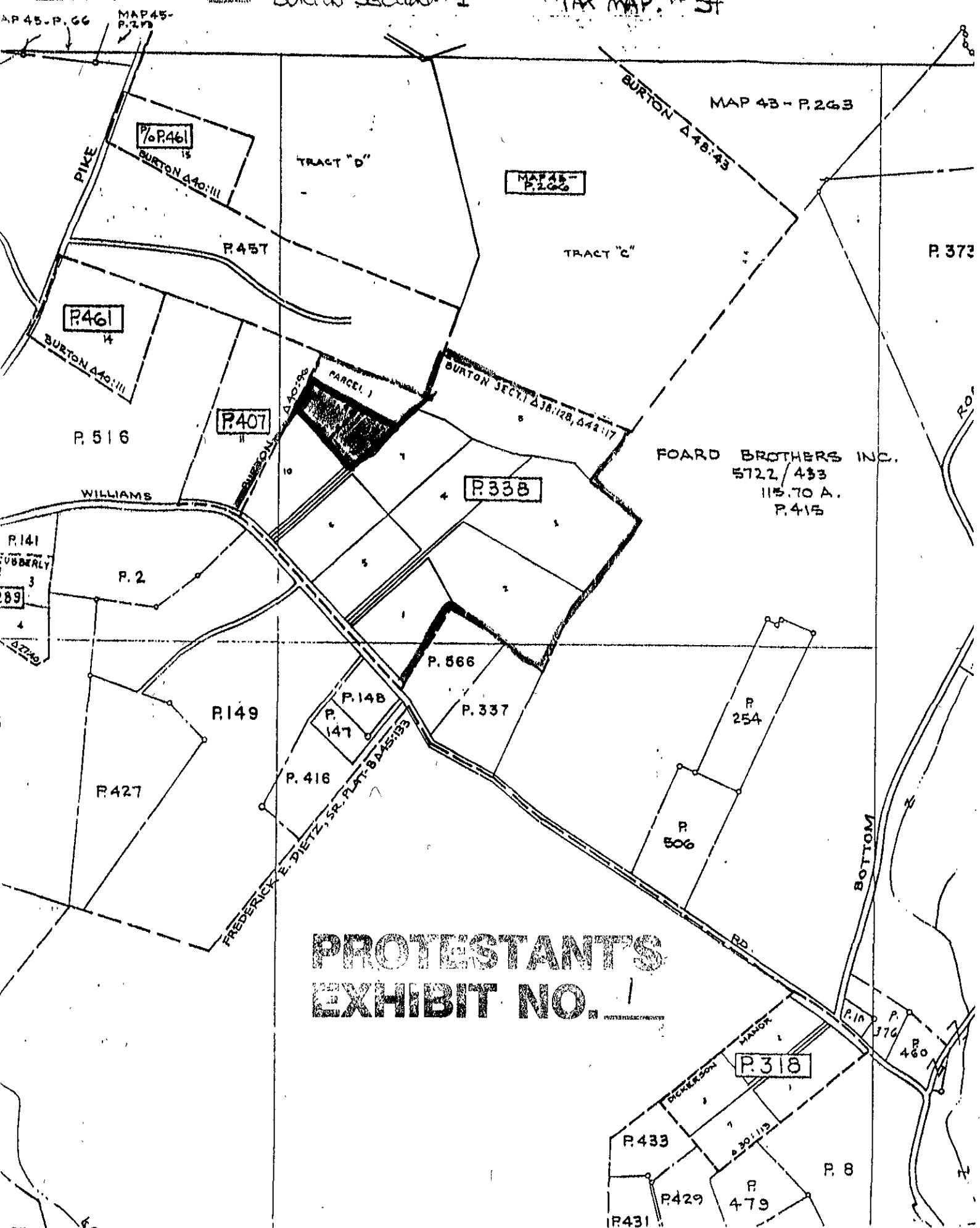
- A. Unnecessary failure of apparatus to gain access to property thereby increasing loss of life, human injury and property damage.
- B. Unnecessary risk of life and limb to firefighters riding on fire apparatus during bridge collapse.
- C. Unnecessary damage to extremely expensive fire apparatus vehicles.

5. Property Identification: Lastly, the Fire Department has problems with pan-handle properties due to insufficient property parcel identification. Typically such pan-handle lot developments will have a row of mail boxes at the end of the pan-handle roadway where it joins the public or private road. This is because the Post Office will not deliver mail up such roadways. Persons living on pan-handle roadways seem to have a high incidence rate of not properly identifying their home by name and or street number except on their mailboxes. When coupled with the fact that pan-handle roadways are normally very poorly illuminated, in most cases emergency equipment must "search" for the correct dwelling. Whereas fire emergencies often are easier to locate when in the advanced stages due to smoke and/or fire "showing", medical or rescue emergencies are not so obvious and can be even more life threatening. In the instance of a cardiac arrest, there can be no undue delay to the responding apparatus and often all building occupants are inside attempting to render basic first aid and/or CPR. Lost time in riding up and down a pan-handle roadway checking for the right location is therefore an unnecessary risk to life safety.

I appreciate the opportunity of presenting the Fire Department's point of view and should you or your office desire additional information, please do not hesitate to contact me.

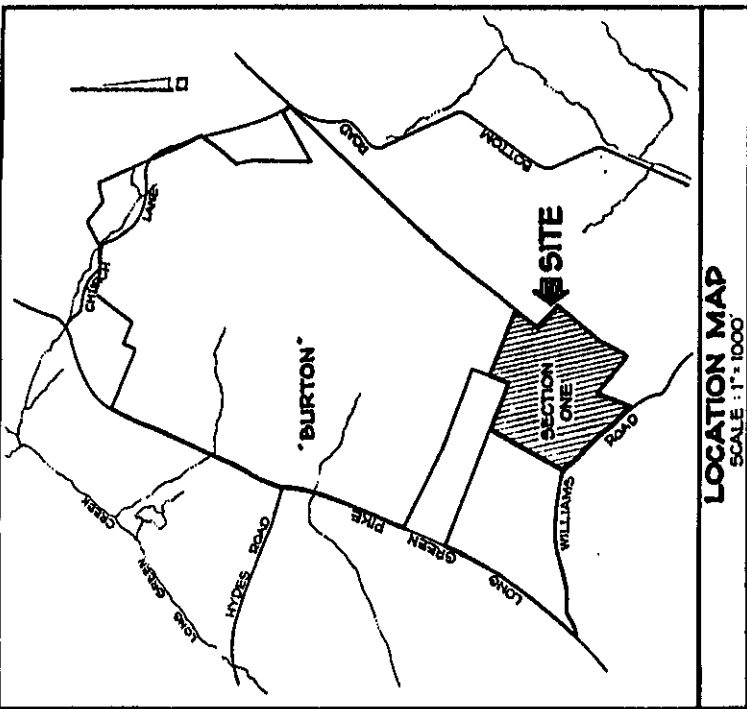
cc: Deputy Chief Weigandt

EST/jcl



42/17

COORDINATES			
LINE	NORTH	EAST	
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2	64000.771	6041.185	90000.417
3	64000.771	6041.185	90000.417
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5	64000.771	6041.185	90000.417
6	64000.771	6041.185	90000.417
7	64000.771	6041.185	90000.417
8	64000.771	6041.185	90000.417
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13	64000.771	6041.185	90000.417
14	64000.771	6041.185	90000.417
15	64000.771	6041.185	90000.417



SECTION ONE

DENSITY TABULATION

1 GROSS AREA	48.011 ACRES
2 NET AREA	45.84 ACRES
3 NUMBER OF LOTS	10
4 ZONED	R.D.P.
5 DRAINAGE AREA	DIS SUNPOWDER

NOTE:

REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PARKHILL AND STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PARKHILL DRIVEWAY. IN ACCORDANCE WITH THE PROVISIONS OF 1A00.05 OF THE ZONING REGULATIONS, ALL BUILDINGS SHALL BE SET BACK A MINIMUM OF 50 FEET FROM ANY PROPERTY LINE.

ENCL. JR. 38 FOR IN 128

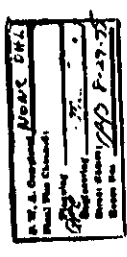
FILED FOR REC. DATE AUG 29 1975

BURTON SECTION ONE

BALTIMORE COUNTY, MARYLAND

FOR

RESIDENTIAL DEVELOPERS 1900 YORK ROAD TIMONIUM, MARYLAND 21093



EVANS, HAGLAN & HOLDEFER, INC. SURVEYORS & ENGINEERS 803 BELAIR ROAD, BALTIMORE, MD 21236 (301) 668-500

OWNER'S CERTIFICATE THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, CHAPTER 28, AND THE ACTS OF 1945 AS AMENDED BY CHAPTERS 84 AND 280 OF THE ACTS OF 1947, AND SUBSEQUENT AMENDMENTS, ARE HEREBY CERTIFIED TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF SAID SECTIONS AND ACTS. THE MEMBERS HAVE BEEN COMPLETED WITHIN THE PERIOD OF 90 DAYS AND HAVE BEEN COMPLETED WITHIN THE PERIOD OF 90 DAYS AND HAVE BEEN COMPLETED WITHIN THE PERIOD OF 90 DAYS.

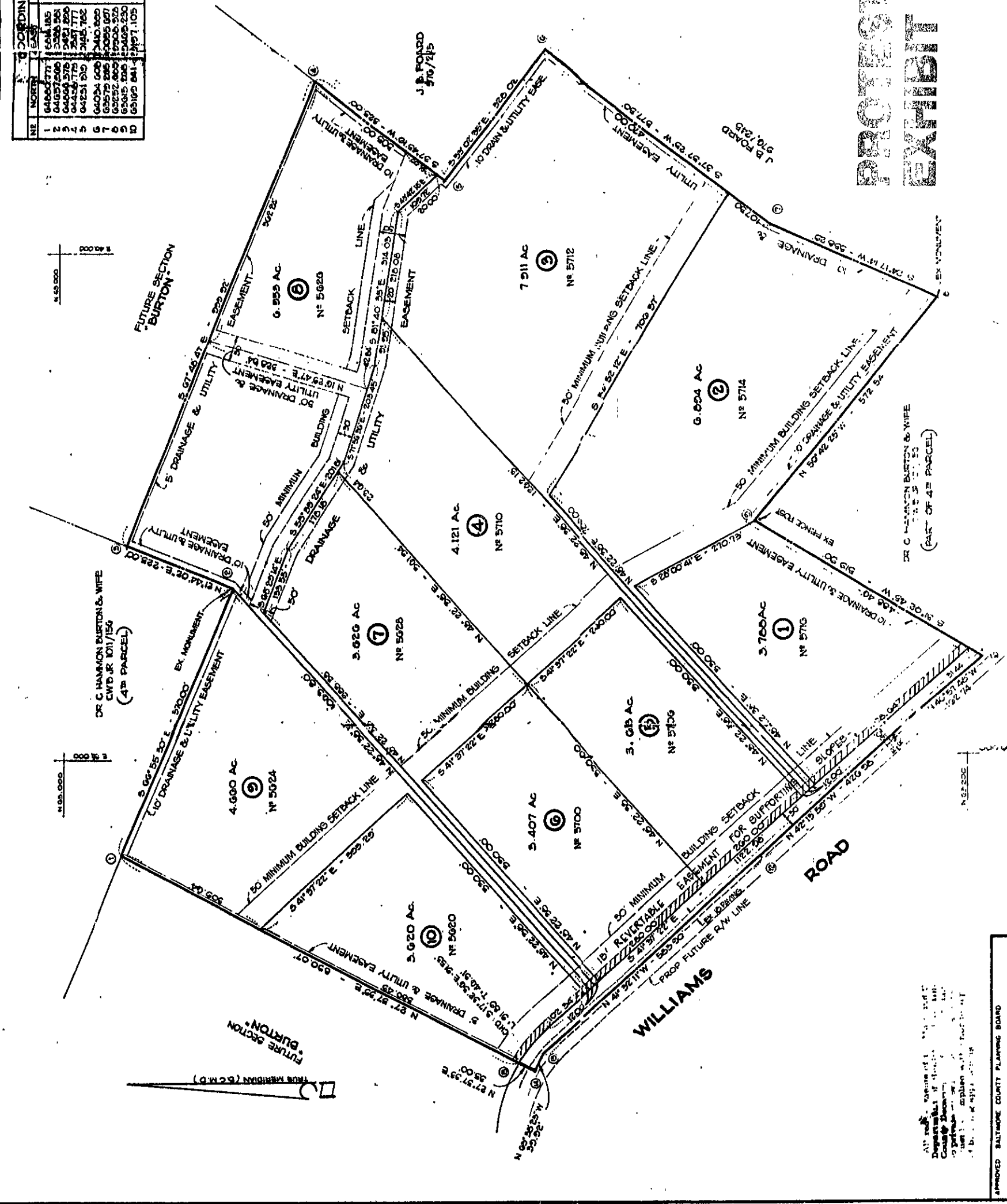
SURVEYOR'S CERTIFICATE I, JAMES W. HUNTER, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON WAS SURVEYED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, CHAPTER 28, AND THE ACTS OF 1945 AS AMENDED BY CHAPTERS 84 AND 280 OF THE ACTS OF 1947, AND SUBSEQUENT AMENDMENTS.

THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE REFERRED TO THE FOLLOWING TRAP EASE STATIONS BY THE ACTS OF 1945 AND 1947 AND SUBSEQUENT AMENDMENTS THEREOF.

THE STREETS AND/OR ROADS AS SHOWN ON THIS PLAN AND THE MENTION THEREOF IN THE DEEDS ARE FOR THE PURPOSE OF IDENTIFYING THE LAND ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO THE PUBLIC. THE DEEDS THEREOF IS EXPRESSLY RESERVED TO THE GRANTORS OF THE DEED TO WHICH THIS PLAN IS ATTACHED.

APPROVED BALTIMORE COUNTY PLANNING BOARD BY: DATE: 5-28-75

PROTEST NO. 2 EXHIBIT NO. 2



THIS DECLARATION OF RESTRICTIONS, made this 21ST day of NOVEMBER, 1975, by RESIDENTIAL DEVELOPERS, a Maryland limited partnership, hereinafter called the "Company" and CHARLES R. CONNER, CATHERINE F. OPPENHEIM, CHRISTINE GEER ELLIOT and IRVING F. COHN, Trustees of the Christine O. Burton Revocable Trust, hereinafter called "Trustees", and CLIFTON TRUST BANK, a body corporate of the State of Maryland, hereinafter called "Mortgagee".

WHEREAS, the Company is seized and possessed of certain land in Baltimore County in the State of Maryland acquired by it by virtue of a Deed from said Trustees, dated September 2, 1975, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5562, folio 506; and

WHEREAS, a portion of said land is subject to a Mortgage dated September 2, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5562, folio 516, from the Company to said Trustees; and

WHEREAS, a portion of said land is subject to a Mortgage dated September 2, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5562, folio 522 from the Company to said Mortgagee; and

WHEREAS, the Company has caused a part of said land to be subdivided into residential lots as shown on a Plat thereof entitled "SECTION ONE, BURTON" which Plat is recorded among the Land Records of Baltimore County in Plat Book 38, folio 128; and

WHEREAS, it was the intention of the Company to develop the land as shown on said Plat as a residential community and to assure therefore a uniform plan and scheme of development, and to that end has adopted the covenants, conditions, and restrictions as

PROTESTANTS
EXHIBIT NO. 3

hereinafter set forth, for the following purposes:

- (1) To protect the purchasers of lots in said subdivision from depreciation in the value thereof, and to insure them of uniformity of development of said lots; and
- (2) To facilitate the sale by the Company, its successors and assigns of the land in said subdivision by reason of its ability to assure such purchasers of uniformity and protection against such depreciation; and
- (3) To make certain that said restrictions shall apply uniformly to all lots on the above referred to Plat to the mutual advantage of the owner, developer, mortgagees, and to all those who may in the future claim title through the owner, developer, purchaser or mortgagees;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the Company does hereby establish and impose upon all those lots shown on said Plat entitled "SECTION ONE, BURTON" the protective restrictions, covenants, and conditions to be observed and enforced by it, its successors and assigns as well as by all purchasers of lots as shown on the Plat, to wit:

1. LAND USE

The land included in said plats, except as hereinafter provided, shall be used for private residential purposes together with incidental agricultural purposes only, and no building of any kind whatsoever shall be erected, altered, or maintained thereon except a private dwelling house for occupancy by not more than one family, together with accessory private garage, barns, cottage house, guest house or attached living quarters to the main house for occupancy by a caretaker, gardener or servant and his family or temporary guests, or other permanent accessory structures for the sole and exclusive use of the owner or occupant of the lot or parcel upon which said structures are erected or their caretaker, gardener or servant and his family, or temporary guests.

No part of the land covered by these covenants, conditions and restrictions shall at any time be used for semi-detached houses, duplex houses or other type of multiple housing units; however, nothing in this restriction shall prohibit the construction of a carriage type house, guest house, or attached living quarters to the main house for occupancy by a caretaker, gardener, or servant and his family, or temporary guests, but not for rental or occupancy for any other purposes; it being the intention of the Company that all of the land contained within the area covered by this Declaration shall be used solely for single family dwellings, and no other purposes, except such purposes as may be specifically reserved hereunder in the preceding and succeeding sections of this Declaration.

Provided, however, that nothing in this restriction shall preclude a physician, dentist or other person engaged in a licensed and recognized professional occupation living in the development from practicing his profession in his dwelling provided that he obtain specific written permission for such practice and approval of the size of any signs proposed to be used from the Subdivision Committee or its assigns as hereafter provided.

Lots or parcels covered by these covenants, conditions and restrictions shall not be further subdivided or re-subdivided into one or more lots or parcels of less area than that which presently exists within the boundaries of each lot or parcel without the prior written consent of the Subdivision Committee or its assigns; provided, however, that nothing contained herein shall prohibit the minor revision of existing lot or parcel boundaries so long as such lot or parcel is not increased or decreased in area by more than ten per cent (10%).

2. ADMINISTRATION

The Subdivision Committee referred to herein and in the preceding and succeeding sections of this Declaration shall consist of one or more members appointed solely by the Company until the Company shall organize or cause to be organized a committee of individuals to exercise the powers and perform the duties conferred upon the Subdivision Committee by these restrictions; which Subdivision Committee shall have at least one member appointed by the Company and such additional members elected by the votes, on the basis of one vote per lot, of a plurality of the individual lot owners so as to be controlled by the lot owners as a group, thus making all of the provisions of these restrictions mutually enforceable by all of the lot owners; said elected Subdivision Committee shall be deemed created upon written acceptance, by the members so elected, of the responsibility of administering the Restrictions referred to in this paragraph. The Subdivision Committee, or its assigns, reserves the right to waive such portion of the protective covenants placed on this land as they, in their sole discretion, deem necessary in the best interest of the development.

No garbage, junk or junked cars or any motor vehicles other than private passenger vehicles, tractors or trucks in regular operation shall be permitted on the premises and no commercial vehicles shall be left parked on any street or lot longer than is necessary to perform the business function of such vehicle in the area; it being the express intention of this restriction to prevent the parking of commercial vehicles upon the streets or lots in said subdivision for a time greater than that which is necessary to accomplish the aforesaid business purpose. No commercial vehicles, trailers, boats, buses, campers, tractors or trucks shall be maintained regularly on any lot in the development unless garaged. However, during construction of houses, the owner or builders may maintain commercial vehicles and trailers on said lots for the purpose of construction and use as a field or sales office. Commercial vehicles, private passenger vehicles, trailers, boats, buses, campers, tractors or trucks shall not be regularly maintained upon any streets.

16. CONTIGUOUS LOTS

Where two contiguous lots are in single ownership, and are used as if they are one lot for only one dwelling, the minimum side lot line restrictions and side line easement reservation, unless the same is expressly shown on said plats, shall not apply to the common interior lot line.

17. SEVERABILITY

Invalidation of any one or more of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

18. TERM

~~These covenants shall run with the land and shall be binding for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically be extended for successive periods of ten (10) years unless and until an instrument signed by the then record owners of leasehold equities or redemption or fee simple interests as the case may be (excluding mortgagees, ground rent owners, and all others) in a majority of the lots or parcels subject to such covenants (casting one vote for each lot or parcel so owned) into which tract shall have been subdivided, has been recorded, by which said covenants, in whole or in part, are amended or revoked.~~

19. ENFORCEMENT

~~Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages, or both. In acquiring title to any lot or parcel in this development, the purchaser or purchasers agree to reimburse~~

the Subdivision Committee or its assigns for all costs and expenses to which it or they may be put as a result of said failure, including, but not limited to, court costs and attorneys' fees. These covenants shall inure to the benefit of and be enforced by the owner or owners of any land included in said subdivision and their respective legal representatives, heirs, successors, and assigns, and all persons claiming by, through, or under them.

20. ASSIGNMENT BY COMMITTEE

Any and all of the rights and powers (including discretionary powers and rights, and powers of consent and approval) herein reserved by or conferred upon the Subdivision Committee may be assigned or transferred by the Subdivision Committee, at its election and in its sole discretion, to any one or more corporations or associations or committees of individuals agreeing to accept same, and any such assignment or transfer of such rights and powers may be made by the Subdivision Committee as to all of said land hereby conveyed or as to any part or parts thereof and may be to different parties for different parts of said land hereby conveyed. Any such assignment or transfer shall be evidenced by an appropriate instrument duly executed by the Subdivision Committee and recorded among the then proper public Land Records; and upon such recordation thereof, the grantee or grantees, transferee or transferees of such rights and powers shall thereupon and thereafter have the right to exercise and perform all the rights and powers so assigned or transferred by such instrument, in lieu of the Subdivision Committee upon and subject, however, to such limitations, conditions, reservations and provisions as may be imposed by or set forth in such instrument of assignment or transfer. Such instrument assigning or transferring such rights and powers as aforesaid may, among other things, provide for future or further assignment or transfer of such rights and powers, as aforesaid, to others by the grantee or transferee named therein.

21. COMPANY RESERVATIONS

The designation of streets, avenues, roads, courts and places upon the plats of the above described land is for the purpose of description only and not dedication and the rights of the Company in and to the same are specifically reserved and the Company further hereby reserves unto itself and its successors and assigns, the right to grade, regrade and improve the streets, avenues, roads, courts and places as the same may be located on said plats, including the creation or extension of slopes, banks, or excavation in connection therewith and the construction of and drainage structure therein.

The Company hereby reserves to itself, its successors and assigns, an easement five feet (5') wide along the rear and side lines of all lots or parcels, except where expressly shown otherwise on said plats, for the purpose of sanitary and storm water sewers, drainage, electric power and telephone lines, and for other utilities, both above and below the surface of the land, and it further reserves to itself, its successors and assigns, an easement five feet (5') wide along the rear and side lines of all lots and parcels, except where expressly shown otherwise on said plats, for the installation of such facilities and for such alterations of the contour of the land as may be necessary or desirable to effect surface drainage of said lots or parcels in such manner as in the opinion of the Company, its successors and assigns, shall be proper. The Company further reserves any other easements as shown on said plats.

The Company further reserves unto itself, its successors and assigns, the right to grant easements, rights-of-way and licenses to any person, individual, corporate body or municipality; to install and maintain pipe lines and underground or above ground lines, with appur-

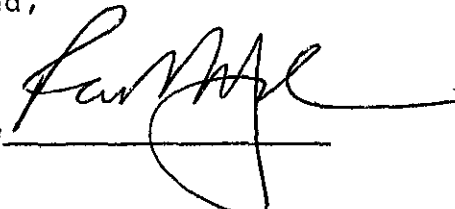
PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, ROBERT DEFOUR, a resident of
LONG GREEN FARM, HYDES, MD., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Date

 3/13/95

**PROTESTANT'S
EXHIBIT NO. 4**

EXHIBIT NO. 4

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, EDWARD L. KEEFER a resident of
5723 W. WILLIAMS RD. HYDES, MO., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,



Date

3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Mary L. Sepp, a resident of
5507 Williams Road, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Date Mary L. Sepp

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Bill Wolford, a resident of
5706 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed

Bill Wolford

Date

3/13/95

(~~Ferry~~
~~5628 Williams~~)

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, James G. L. Munroe, a resident of
5607 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,


Date

11/10/95 J. G. L. Munroe

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, KEN COLLINS, a resident of
5515 WILLIAMS RD, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, 

Date 3-12-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Erma H. Wade, a resident of
5511 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Erma H. Wade

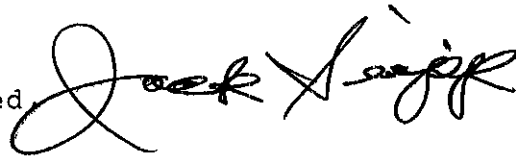
Date 3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, JACK SEIPP, a resident of
5507 WILLIAMS RD HYDES MD 21082, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed



Date

3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Dorothy V. Markert, a resident of
5505 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Dorothy V. Markert

Date

3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Arthur Markert, a resident of
5505 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Arthur Markert

Date 3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Clifford L. McGraw, a resident of
5620 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Clifford McGraw

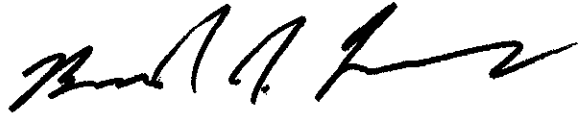
Date

March 12, 1995

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Bernard J Feray, a resident of
409 Alamo Stanner RD, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, 

Date 3-12-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Carol E. Lantz, a resident of
5703 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Carol E. Lantz

Date 3/12/85

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Louise K. LADT, a resident of
5703 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Louise K. Ladts

Date

3/4/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Regina H. Ferry, a resident of
5628 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Regina H. Ferry

Date 3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH

I, John Ferry, a resident of
5628 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

John Ferry

Date

3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, DANIEL DENHAM, a resident of
5626 WILLIAMS RD, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Daniel Denham

Date March 12, 1995

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Zoanne Denham, a resident of
5624 Williams Road, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Zoanne Denham

Date 3/12/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, MAY TIGNALL, a resident of 5716 WILLIAMS RD Hydes Md 21082, am OPPOSED to the proposed waiver of the panhandle standards at 5624 Williams Rd in Hydes. I OPPOSE the proposal to permit two adjacent 6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because they will lead to a subdivision of the property at 5624 Williams Rd. The approval of such proposals will set a precedence for the allowance of future panhandles, and will facilitate the subdivision of future residential properties in the area. This will undoubtedly have a detrimental effect on the character of the existing community.

Signed, May Tignall

Date 3/13/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Marlene E. Welford, a resident of Long Green (5706 Williams Rd) am OPPOSED to the proposed waiver of the panhandle standards at 5624 Williams Rd in Hydes. I OPPOSE the proposal to permit two adjacent 6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because they will lead to a subdivision of the property at 5624 Williams Rd. The approval of such proposals will set a precedence for the allowance of future panhandles, and will facilitate the subdivision of future residential properties in the area. This will undoubtedly have a detrimental effect on the character of the existing community.

Signed,

Marlene E. Welford

Date

3/13/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Aliza Beth Wierman, a resident of
6008 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Aliza Beth Wierman

Date

3/15/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Robert Wierman, a resident of
6008 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Robert Wierman

Date 3/15/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Natalie T. Enyeike, a resident of
5710 Williams Rd Hydes, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Date Natalie T. Enyeike

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, John P. Powell, a resident of
5700 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,



Date

3-16-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

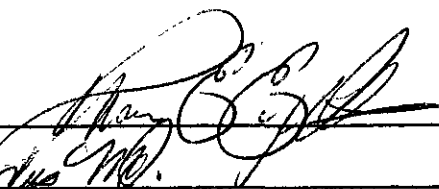
I, Liane H Powell, a resident of
5700 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

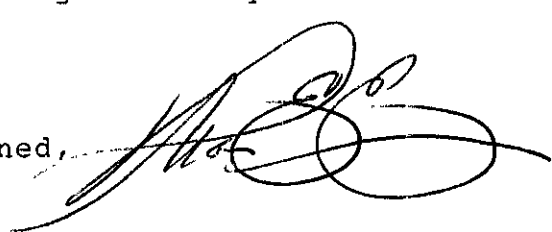
Signed, Liane Powell

Date 3/16/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, , a resident of
Hydes Mo., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, 

Date 3-16-88

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, André E. Fyall, a resident of
5716 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, André E. Fyall

Date 3-14-95

Ferry-5628

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Jill Richardson, a resident of
6012 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-feet wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Jill Richardson

Date 3-15-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH

I, Linda P. Bayley, a resident of
6000 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.


Signed, Linda P. Bayley

Date 3/15/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Charles H. Bayley, a resident of
6000 Williams, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, 

Date 3/15/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Barbara Brox, a resident of
5921 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Barbara Brown

Date

3-15-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Elston Brown, a resident of
5921 Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Elston L. Brown

Date

3-15-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Sean W. Brown, a resident of
5921 Williams Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Sean W. Brown

Date 3-15-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Agnes Ferry, a resident of
DC Md. Former resident 5624 Wms Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Agnes S. Ferry

Date 3/16/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Catherine D. Dean, a resident of
5721 Williams Rd. - Hydes, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Date Catherine Dean 3/16/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, ALBERT L. DEEN, a resident of
5721 WILLIAMS ROAD, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Albert L. Deen

Date MAR. 16, 1995

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Jolly Green, a resident of
Williams Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Jolly Green

Date

3/13/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Katherine Tyler, a resident of
12601 Long Creek Pike, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Date March 13, 1995

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, John W. Stoln, a resident of
12421 Long Green Pike, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, John W. Stoln

Date March 13, 1995

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, June Stotens, a resident of
12431 Long Green Pike Glenview, Ill., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-feet wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, June Stotens

Date 3/13/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Robert B Carter, a resident of
4809 Long Green Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-feet wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Robert B Carter

Date

3-15-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH

I, Catherine G. Ebert, a resident of
12815 Kanes Rd. Glen Arne, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Catherine G. Ebert

Date 3-13-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, John Trivini, a resident of
Hydes, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, John Trivini

Date 3-12-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Larry Kelly, a resident of
Glenview, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Larry Kelly

Date 3-12-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, John S. Class, a resident of
Kenosha, Wis., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

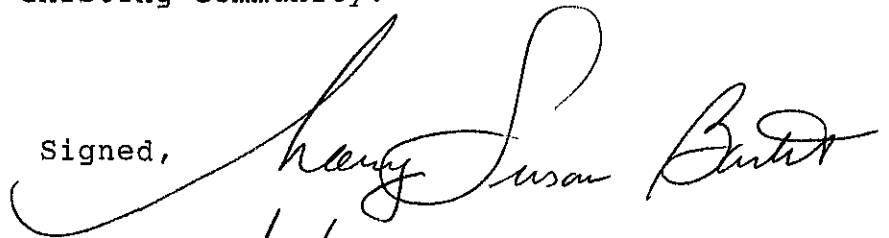
Date John S. Class

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH

I, MARY SUSAN BARTELS, a resident of
Ridgewood Rd., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,


Date 3/14/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Shenny L. McGraw, a resident of
5620 Williams Rd. Hydes Md., am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed, Shenny L McGraw

Date 3/17/95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Susan S. Connolly, a resident of
5903 Glen Arm Rd., Glen Arm MD. 21057, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
Williams Rd. The approval of such proposals will set a
precedence for the allowance of future panhandles, and will
facilitate the subdivision of future residential properties
in the area. This will undoubtedly have a detrimental effect
on the character of the existing community.

Signed,

Susan S. Connolly

Date 3-14-95

PETITION AGAINST THE ZONING PROPOSALS OF CASE # 95-278-SPH.

I, Bruce Carlin, a resident of
Mr. Visor Rd, am OPPOSED to the
proposed waiver of the panhandle standards at 5624 Williams
Rd in Hydes. I OPPOSE the proposal to permit two adjacent
6-foot wide panhandles at 5624 Williams Rd.

I am opposed to the approval of these proposals because
they will lead to a subdivision of the property at 5624
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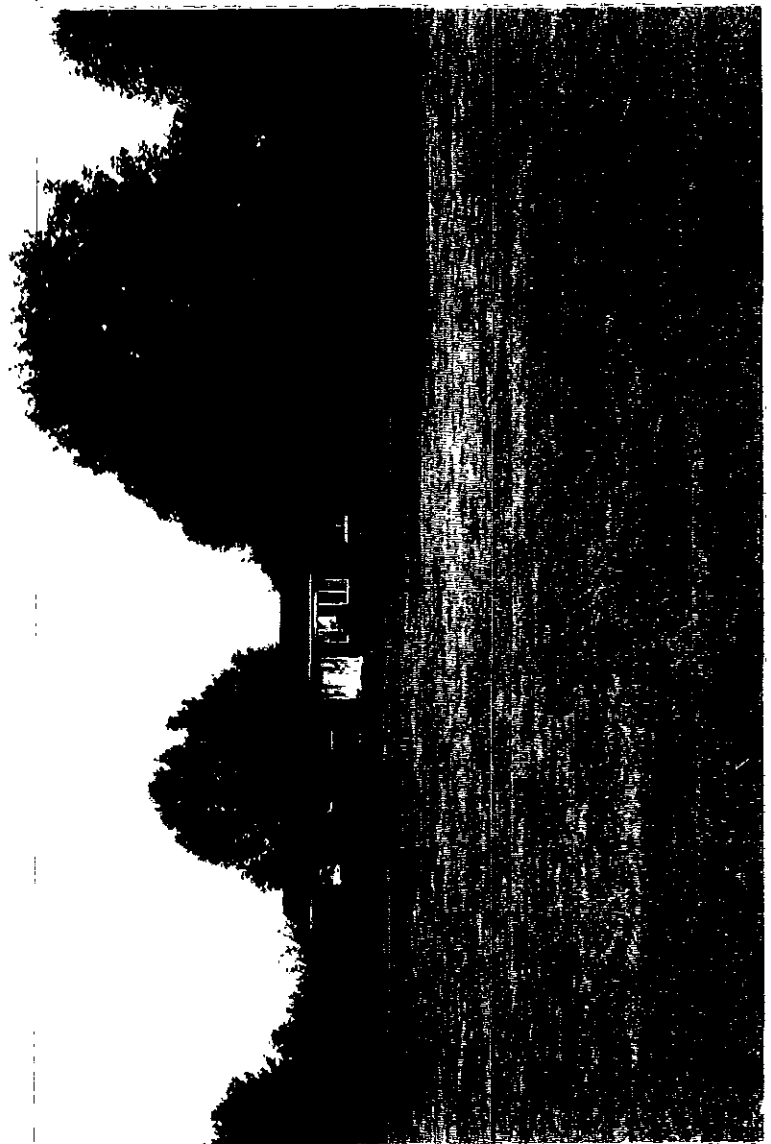
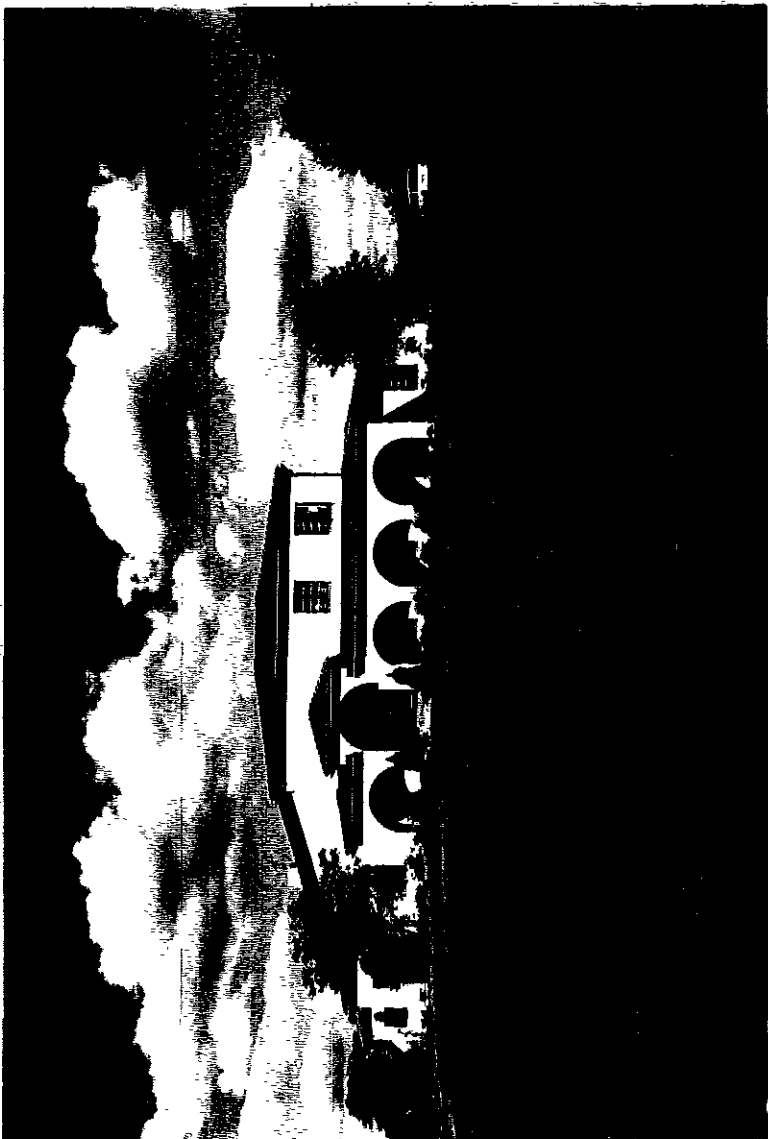
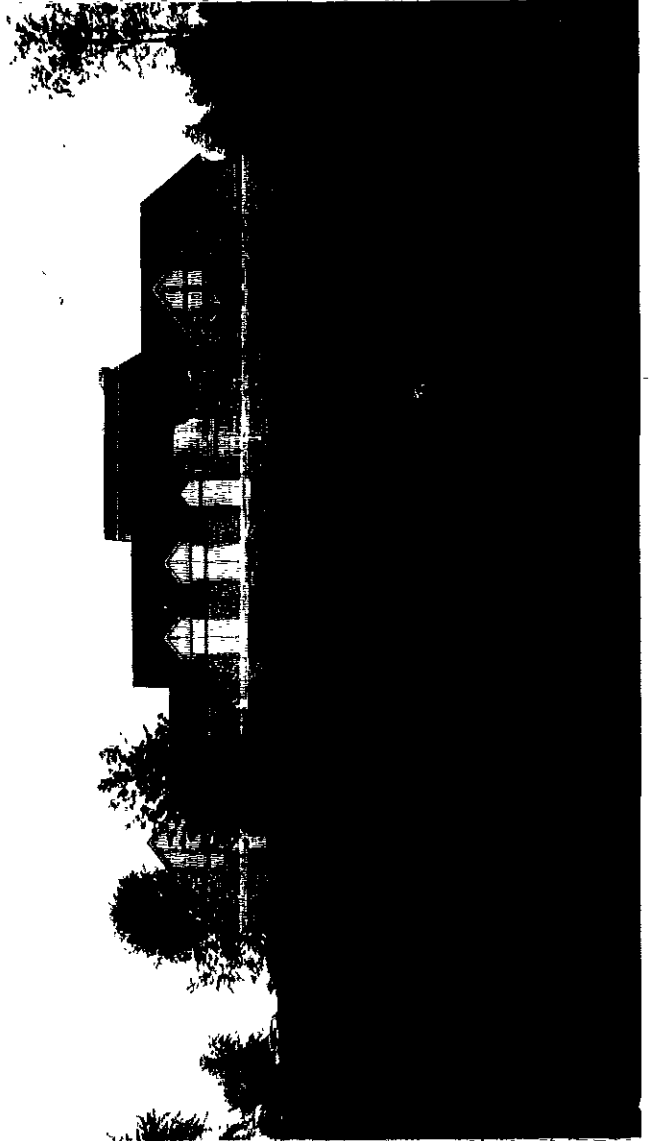
Signed,

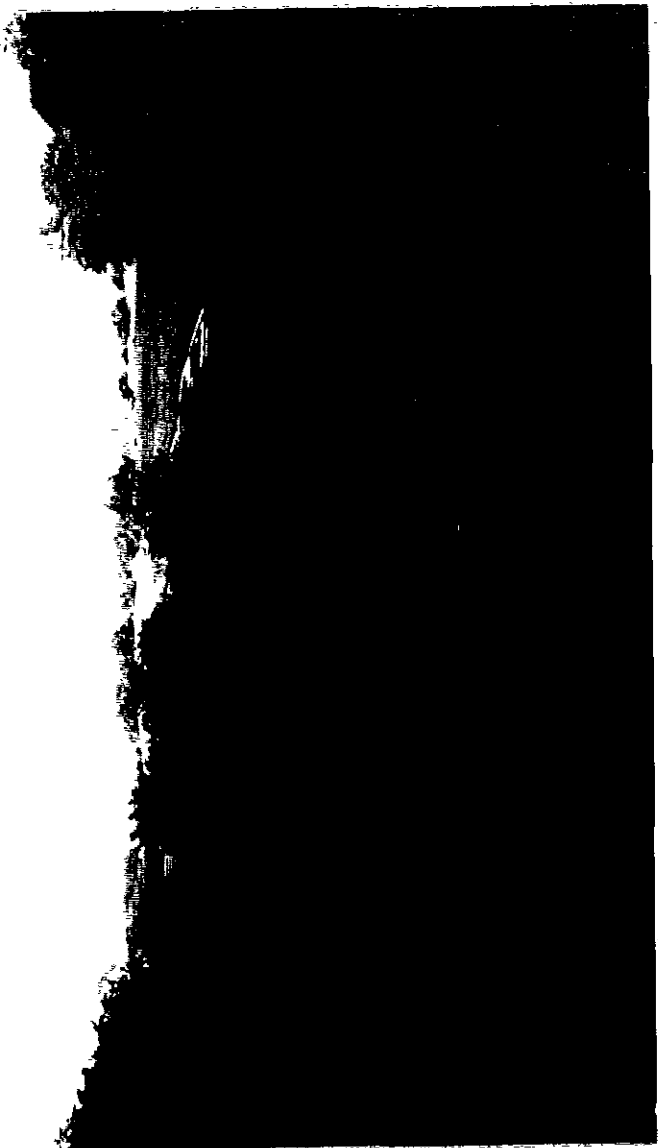
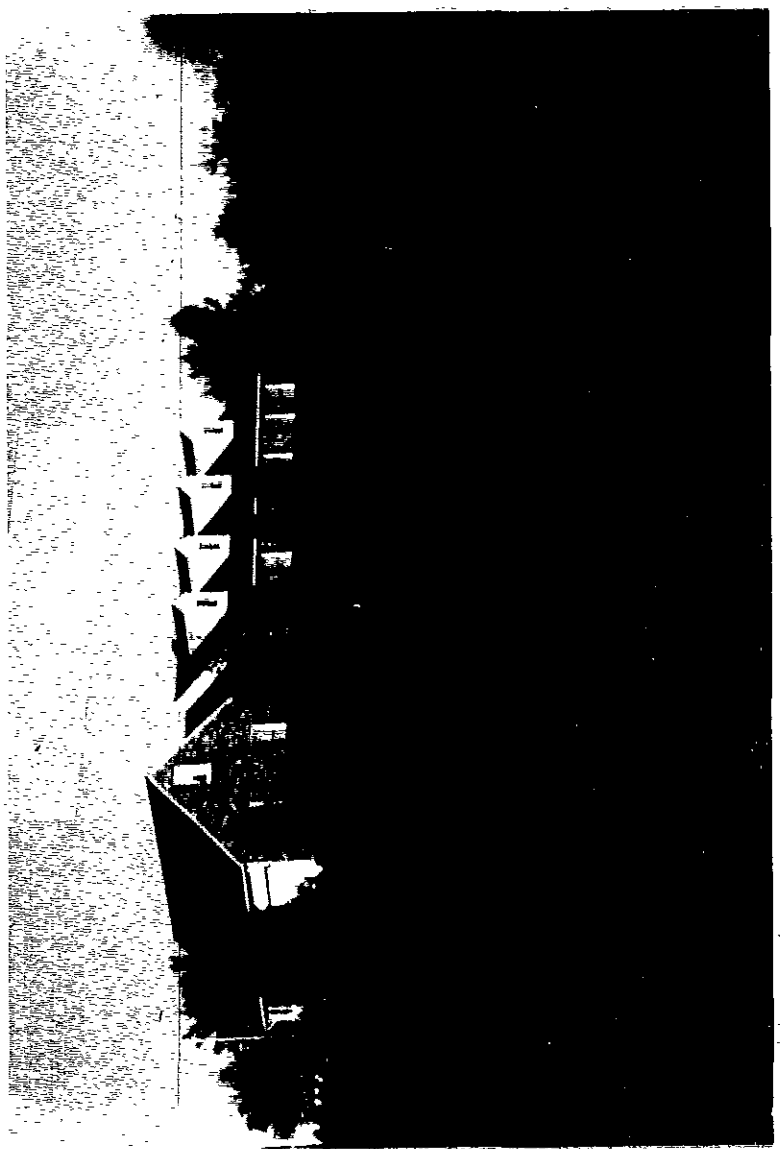
Bruce Carlin

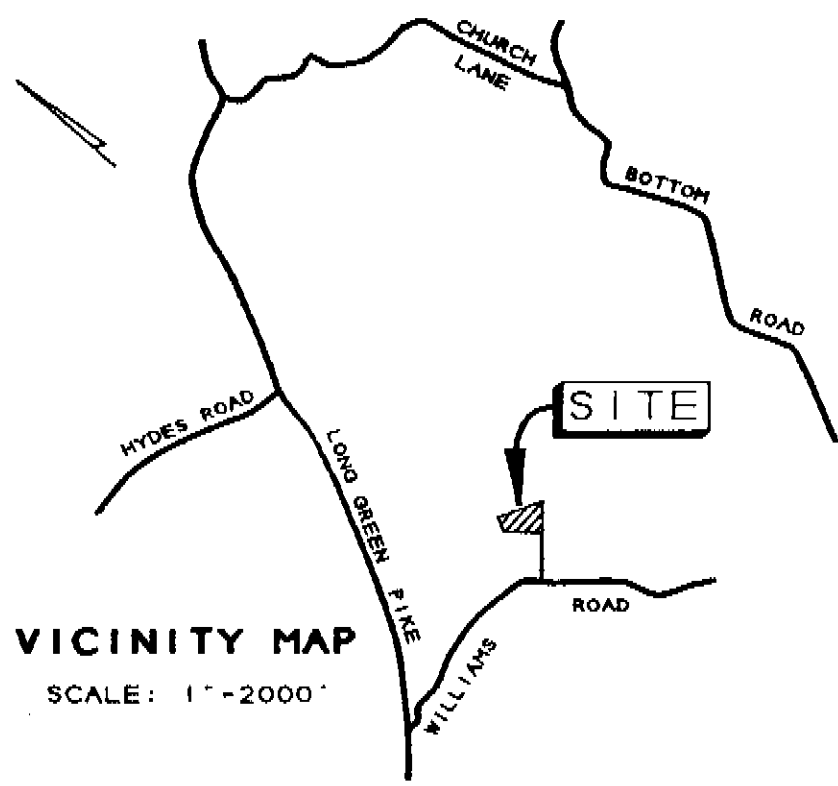
Date

3/7/95

PROTESTANT'S EXHIBITS





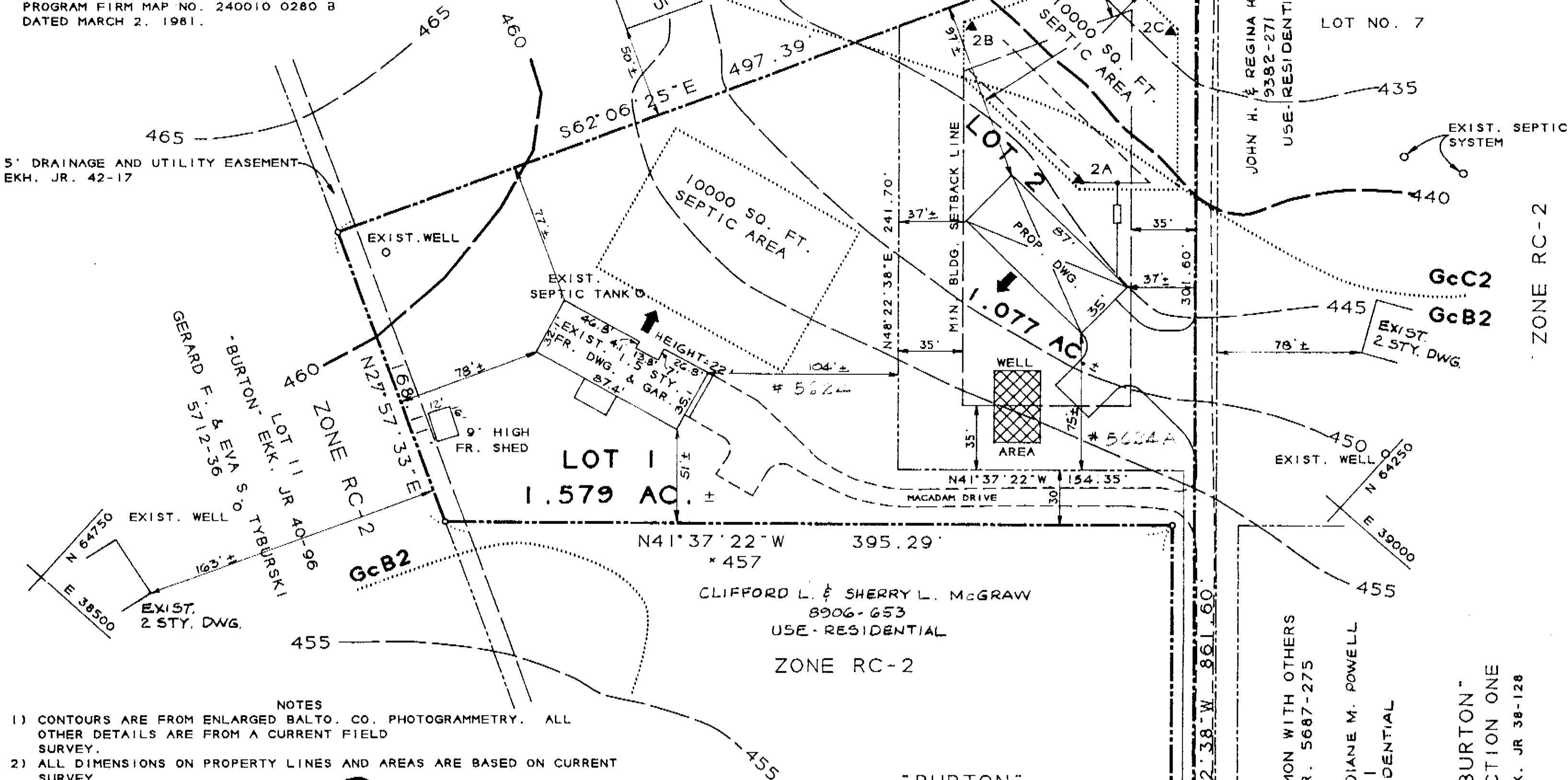


SITE SOIL TYPES
 GcB2 - GLENELG LOAM - 3 TO 8 PERCENT SLOPES
 MODERATELY ERODED
 GcC2 - GLENELG LOAM - 8 TO 15 PERCENT SLOPES
 MODERATELY ERODED

PANHANDLE NOTE
 REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE
 ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND
 STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE
 PANHANDLE LOT DRIVEWAY.

FLOOD CERTIFICATION:
 THE PROPERTY SHOWN HEREON LIES IN
 ZONE C (AREAS OF MINIMAL FLOODING)
 AS SHOWN ON NATIONAL FLOOD INSURANCE
 PROGRAM FIRM MAP NO. 240010 0280 B
 DATED MARCH 2, 1981.

5' DRAINAGE AND UTILITY EASEMENT-
 EKH, JR. 42-17



- NOTES**
- 1) CONTOURS ARE FROM ENLARGED BALTO. CO. PHOTOGRAMMETRY. ALL OTHER DETAILS ARE FROM A CURRENT FIELD SURVEY.
 - 2) ALL DIMENSIONS ON PROPERTY LINES AND AREAS ARE BASED ON CURRENT SURVEY.
 - 3) EXISTING ZONING: RC-2
 - 4) CENSUS TRACT: 4112.01
 - 5) SUBSEWERSHED: 81
 - 6) WATERSHED: 3
 - 7) COUNCILMANIC DISTRICT: 6
 - 8) TAX ACCOUNT NO.: 11-17000-13981
 - 9) DEED REFERENCE: AUGUST T. McCOLGAN AND MARY E. McCOLGAN LIBER 6999 FOLIO 484
 - 10) REGIONAL PLANNING DISTRICT: 310
 - 11) SCHOOL DISTRICT: 55-CARROLL MANOR
 - 12) ▲ INDICATES PASSED PERC TEST.
 △ INDICATES FAILED PERC TEST.
 - 13) SOIL BOUNDARIES ARE FROM ENLARGED BALTO. CO. SOIL CONSERVATION MAPS.
 - 14) PROPOSED USE OF PROPERTY: 2 LOTS FOR SINGLE FAMILY DWELLING.
 - 15) ALL EXISTING ON SITE BUILDINGS ARE TO REMAIN.
 - 16) SITE COMPUTATIONS:
 EXISTING ZONING----- RC-2
 AREA OF SITE----- 2.656 ACRES ±
 TOTAL NO. OF LOTS ALLOWED----- 2
 NO. OF LOTS PROVIDED----- 2
 - 17) THE COORDINATES AND BEARINGS SHOWN HEREON ARE REFERRED TO THE BALTO. CO. MET. DIST. CONTROL SURVEY AS ESTABLISHED IN THIS AREA FROM SEC. ONE, "BURTON" RECORDED IN LIBER EKH, JR. 42 FOLIO 17.
 - 18) THIS PROPERTY AS SHOWN ON THIS PLAN HAS BEEN HELD INTACT BY THE BOUNDARY SHOWN SINCE NOV. 25, 1979. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

95-278-SPH

DISCLAIMER:
 "BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE
 RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN
 TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-
 WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO
 OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE
 OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT
 NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE
 TELEVISION."

BALTIMORE COUNTY MINOR SUBDIVISION Project No.	
DEVELOPMENT REGULATIONS <input type="checkbox"/> Exempt from Division 2 <input type="checkbox"/> Panhandle, except from Section 26-202 & 26-206	
ZADM CERTIFICATION <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
By: _____	Date: _____
APPROVED, DEPRM	
By: _____	Date: _____

PLAT TO ACCOMPANY REQUEST FOR A
 SPECIAL HEARING FOR A WAIVER FROM PANHANDLE STANDARDS
 SUBDIVISION OF REVISED LOT NO.9

SECTION ONE "BURTON"
 RECORDED IN LIBER EKH, JR. 42 FOLIO 17

11TH ELECTION DISTRICT BALTO. CO., MD

SCALE: 1"=50' DEC. 14, 1994

OWNER
 AUGUST T. McCOLGAN AND WIFE
 5624 WILLIAMS ROAD
 HYDES, BALTO. CO., MD 21082
 TEL. 410-592-7598

LEO W. RADER
 REGISTERED LAND SURVEYOR
 38 BELFAST ROAD
 TIMONIUM, MD 21093
 PHONE: (410) 252-2920



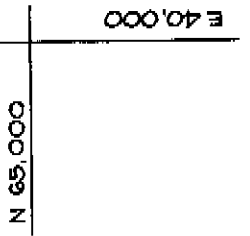
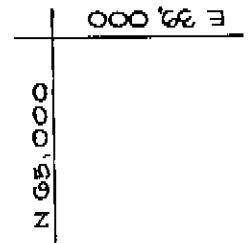
WILLIAMS

ROAD

FUTURE R/W LINE AS
 PROP. BY BALTO. CO.

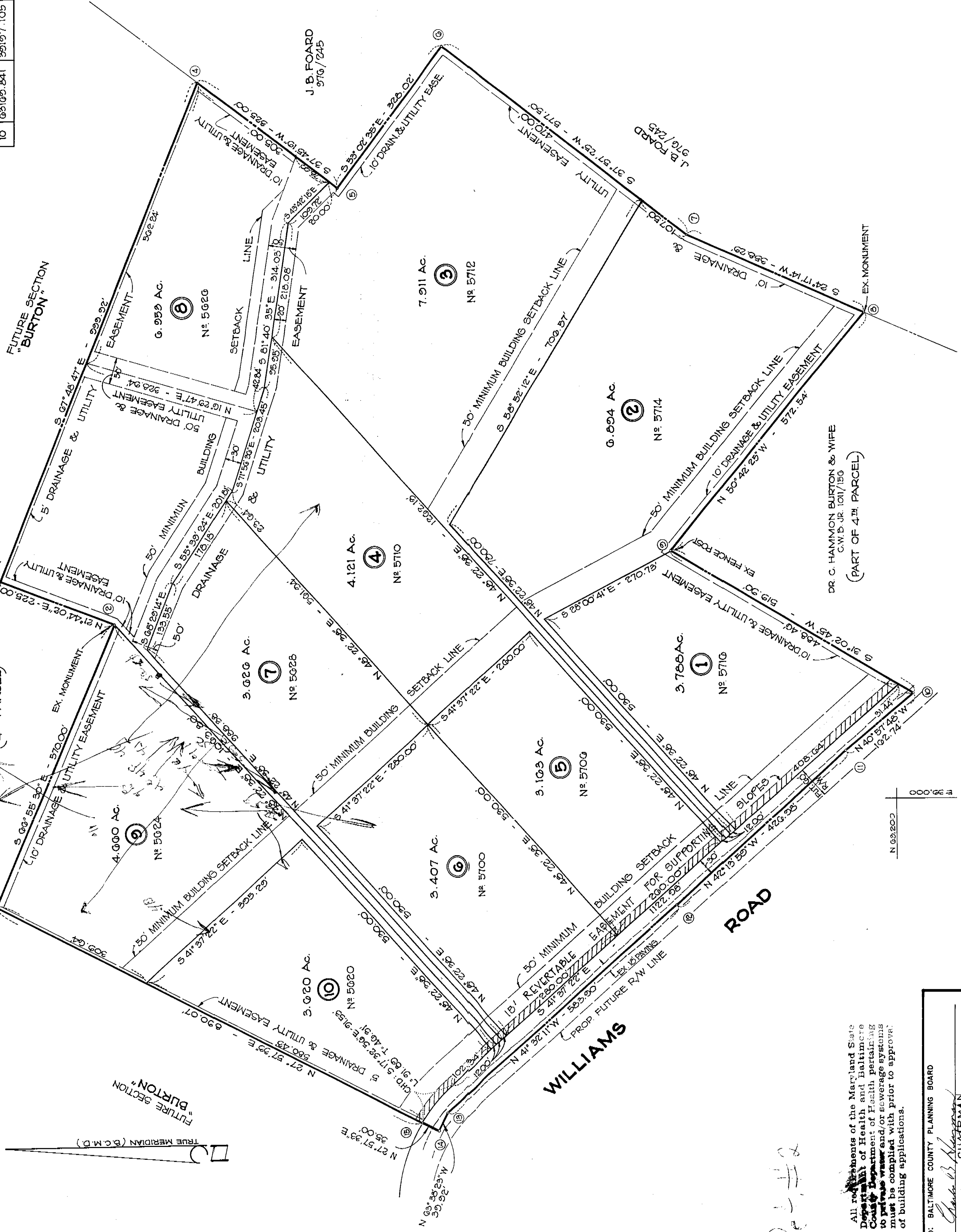
**PETITIONER'S
 EXHIBIT NO. 1**

COORDINATES			
N	E	N	E
1	64580.771	11	63202.750
2	38914.185	12	63202.750
3	30336.581	13	63202.750
4	29421.629	14	63202.750
5	29421.629	15	63202.750
6	29421.629		
7	29421.629		
8	29421.629		
9	29421.629		
10	29421.629		

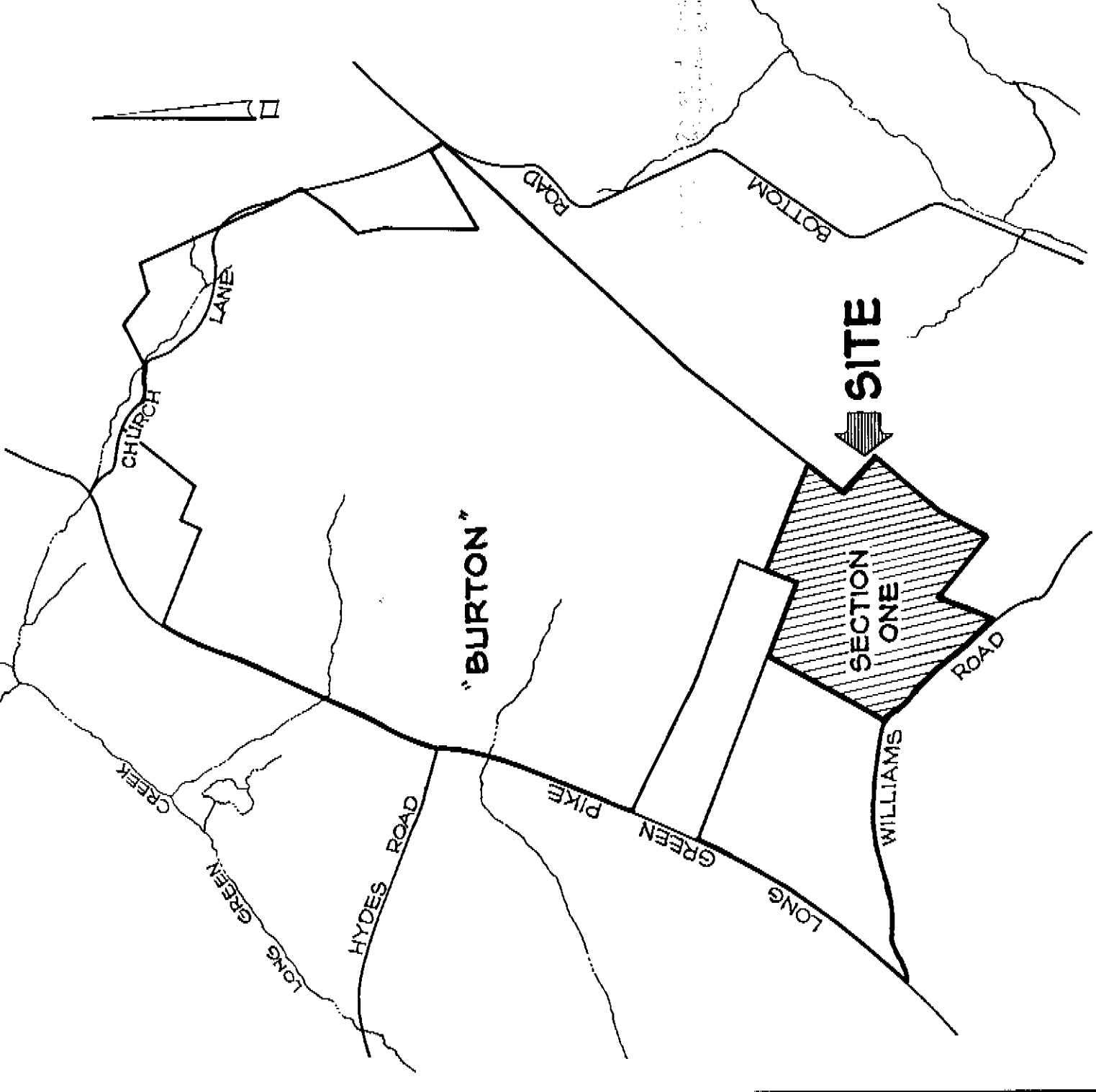


DR. C. HAMMON BURTON & WIFE
C.W.B. JR. 101/150
(4TH PARCEL)

FUTURE SECTION
"BURTON"



LOCATION MAP
SCALE: 1"=100'



SECTION ONE

DENSITY TABULATION

1. GROSS AREA 49.011 ACRES
2. NET AREA 48.144 ACRES
3. NUMBER OF LOTS 10
4. NUMBER OF LOTS PER ACRE 0.208
5. ZONED R.D.P.
6. DRAINAGE AREA 816 GUNPOWDER

NOTE:

REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE DRIVEWAYS. IN ACCORDANCE WITH THE PROVISIONS OF 1A00.03 OF THE ZONING REGULATIONS, ALL BUILDINGS SHALL BE SET BACK A MINIMUM OF 50 FEET FROM ANY PROPERTY LINE.

EHK, JR. 38 FOLIO 128

Filed for REC.
Date AUG 28 1975
Test:

By: *[Signature]*
Clerk

BURTON
SECTION ONE

ELECTION DISTRICT No. 11 BALTIMORE COUNTY, MARYLAND

FOR
RESIDENTIAL DEVELOPERS
1900 YORK ROAD
TIMONIUM, MARYLAND 21093

PET. #2

By: *[Signature]*
Surveyor
Date: 8-27-75
Scale: 1"=100'

OWNER'S CERTIFICATE

THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION, CHAPTER 106 OF THE ACTS OF 1948, AS AMENDED BY CHAP. 106 OF THE ACTS OF 1950, AND SUBSEQUENT ACTS, IN CONNECTION WITH THE MAKING OF THE PLAT AND SETTING OF THE MARKERS, HAVE BEEN COMPLIED WITH.

RESIDENTIAL DEVELOPERS
OWNER OF LAND SHOWN HEREON

SURVEYOR'S CERTIFICATE

I, CARROLL HAGAN, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON WITH SECTIONS 72A TO 72E, INCLUSIVE, OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION, AS AMENDED OR AMENDATORY THEREOF, HAVE BEEN COMPLIED WITH, IF ANY.

THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE REFERRED TO THE FOLLOWING TRAVERSE STATIONS.

X-6510 N 03°57'10" E 54574.40
X-6511 N 04°02'00" E 57100.00

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

APPROVED: BALTIMORE COUNTY PLANNING BOARD

BY: *[Signature]*
CHAIRMAN

DATE: 8/28/75

APPROVED: *[Signature]*
COUNTY ENGINEER

DATE: 8/29/75

APPROVED: BALTIMORE COUNTY HEALTH DEPARTMENT

BY: *[Signature]*
DEPUTY STATE AND COUNTY HEALTH OFFICER

DATE: 8/29/75

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to public water and/or sewerage systems must be complied with prior to approval of building applications.